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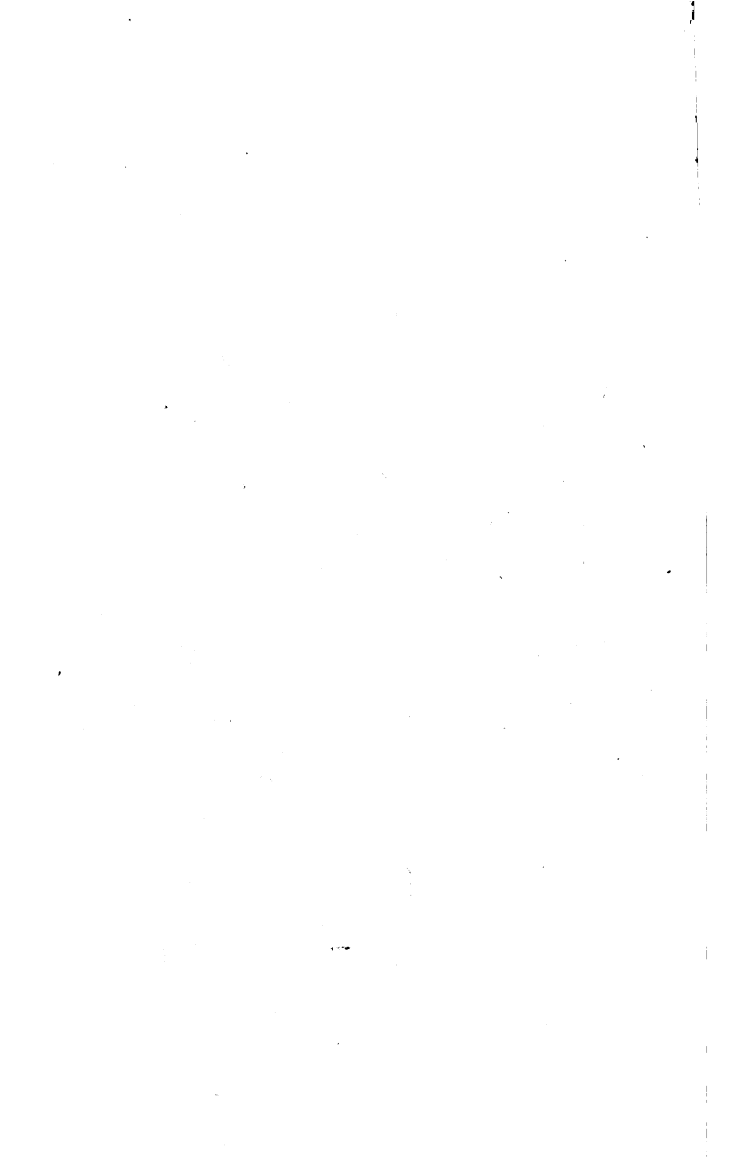
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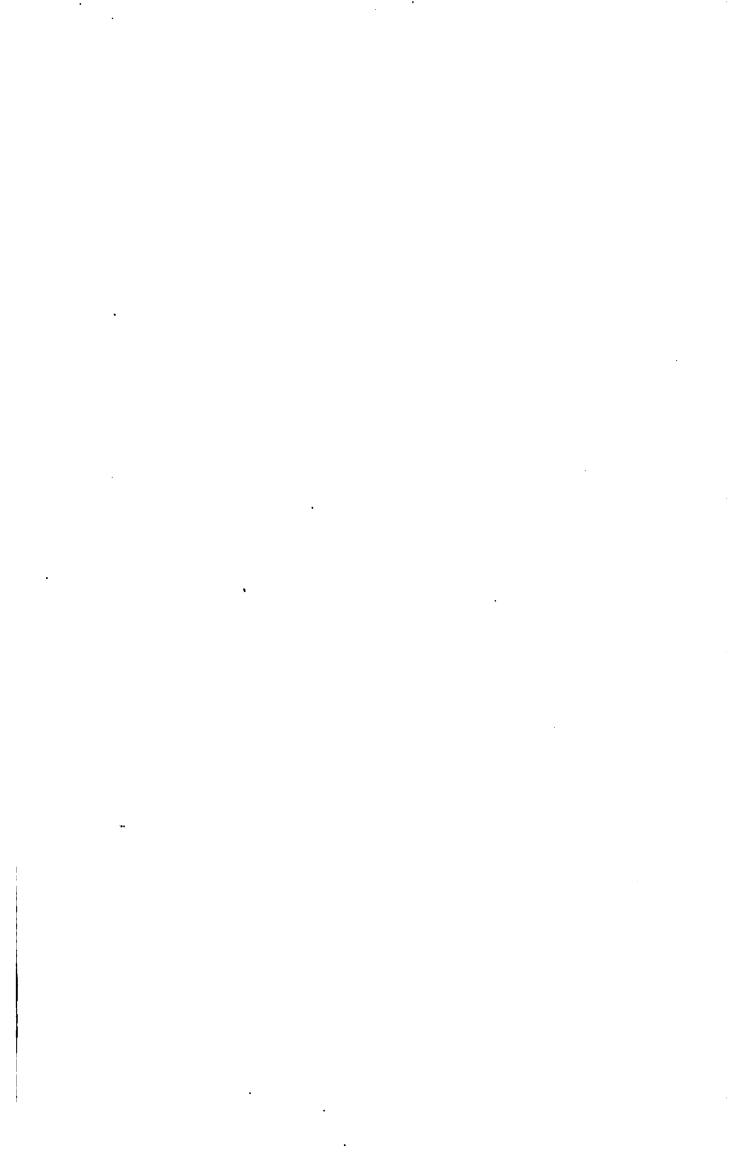














# *Epochs of American History*

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## Division and Reunion

BY

WOODROW WILSON, PH.D., LL.D.

WITH ADDITIONAL CHAPTERS  
BRINGING THE NARRATIVE DOWN  
TO THE END OF 1918

BY

EDWARD S. CORWIN

MC CORMICK PROFESSOR OF JURISPRUDENCE,  
PRINCETON UNIVERSITY

WITH SIX MAPS

Thirty-third Impression

LONGMANS, GREEN AND CO.

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i. E. I

## AUTHOR'S PREFACE.

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IN this volume, as in the other volumes of the series to which it belongs, only a sketch in broad outline has been attempted. It is not so much a compact narrative as a rapid synopsis — as rapid as possible — of the larger features of public affairs in the crowded space of sixty years that stretches from the election of Andrew Jackson to the end of the first century of the Constitution. The treatment of the first twelve years of that period I have deliberately expanded somewhat beyond the scale of the rest, because those years seem to me a most significant season of beginnings and of critical change. To discuss the events which they contain with some degree of adequacy is to simplify and speed all the rest of the story.

I have endeavored, in dividing the matter into five parts, to block out real periods in the progress of affairs. First there is a troubled period of critical change, during which Jackson and his lieutenants introduce the “spoils system” of appointment to office, destroy the great Bank of the United States, and create a new fiscal policy; during which the tariff question discloses an ominous sectional divergence, and

increases the number of unstable compromises between North and South ; when a new democratic spirit of unmistakable national purpose and power comes on the stage, at the same moment with the spirit of nullification and local separateness of feeling. Then the slavery question emerges into sinister prominence ; there is a struggle for new slave territory ; Texas is added to the Union, and the Mexican war is fought to make Texas bigger ; that war results in the acquisition of a vast territory besides Texas, and the old question of slavery in the Territories is re-opened, leading to the sharp crisis and questionable compromise of 1850, and finally to the fatal repeal of the Missouri Compromise. Then there is secession and civil war, which for a time disturb every foundation of the government. Reconstruction and a new Union follow, and the government is rehabilitated. These seem to me the natural divisions of the subject.

That the period covered by this volume has opposed many sharp difficulties to any sort of summary treatment need hardly be stated. It was of course a period of misunderstanding and of passion ; and I cannot claim to have judged rightly in all cases as between parties. I can claim, however, impartiality of judgment ; for impartiality is a matter of the heart, and I know with what disposition I have written.

WOODROW WILSON.

PRINCETON, N. J., October 24, 1892.

## SUGGESTIONS.

**THE** fact that this volume is small and contains a mere outline of events is expected to make it the more useful both to teachers and to the "general reader"; for no subject can be learned from a single book. Only a comparison of authors and a combination of points of view can make any period of history really familiar. The briefer the preliminary sketch the better, if only it be made in just proportion. The use of this book should be to serve as a centre from which to extend reading or inquiry upon particular topics. The teacher should verify its several portions for himself by a critical examination, so far as possible, of the sources of information. His pupils should be made to do the same thing, to some extent, by being sent to standard authors who have written on the same period. The bibliographies prefixed to the several chapters are meant for the pupil rather than for the teacher. They are, for the most part, guides to the best known and most accessible secondary authorities, rather than to the original sources themselves. They ought to be acceptable, therefore, to the general reader also, who is a pupil without a teacher. If he wishes to seek further than these references carry him, will he find the books mentioned a key to all the rest.



A fair working library in American History would be furnished by the following volumes:

### A. Bibliography.

1. E. CHANNING, A. B. HART, and F. J. TURNER: *A Guide to the Study of American History*. Boston: Ginn & Co., 1912.—An indispensable manual.

2. J. N. LARNED: *Literature of American History*. Boston: Houghton, Mifflin & Co., 1902.—Is featured by authoritative critical estimates of the works it lists. Unfortunately it has not been kept up to date.

### B. General Series.

3-30. ALBERT BUSHNELL HART, Editor: *The American Nation*. New York: Harper, 1904-1918. Twenty-eight volumes, all of them useful, some of them extremely valuable. Volumes x-xxvii cover our national history from the close of the Revolution.

31-80. ALLEN JOHNSON, Editor: *Chronicles of America*. New Haven: The Yale University Press, 1918.—There will be fifty volumes in the completed series. Volumes xviii to xlvi cover the period of this volume. Careful editorial planning, scholarship, and literary skill have all combined to make this a remarkably successful product of scholarly collaboration.

### C. General Histories by Individual Authors.

81-88. JOHN BACH McMASTER: *History of the People of the United States from the Revolution to the Civil War*. New York: D. Appleton & Co., 1886-1913. Eight volumes. A splendid account of the course of public opinion in the United States, drawn from the records.

89-95. JAMES SCHOULER: *History of the United States of America under the Constitution*. New York: Dodd, Mead & Co., 1885-1913. The seven volumes cover the period from 1787 to 1877. An interesting narrative devoted chiefly to events and personalities at Washington.

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141-161. ELLIS PAXSON OBERHOLTZER, Editor: *American Crisis Biographies*. Philadelphia: G. W. Jacobs & Co., 1904-1916. The twenty-one volumes, to date, are directed to retelling the story of the Civil War, its causes and consequences, from the standpoint of the present generation.

**E. Special Works.**

162-164. A. C. McLAUGHLIN and A. B. HART, Editors: *Cyclopedia of American Government*. New York: D. Appleton & Co., 1914. Three volumes. A valuable aid.

165. WILLIS FLETCHER JOHNSON: *America's Foreign Relations*. New York: Century Co., 1916. A comprehensive history of American diplomacy.

166. DAVIS RICH DEWEY: *Financial History of the United States*. New York: Longmans, Green & Co., 1918 (Sixth Edition). Clear and comprehensive; the one work in the field covered by it.

167. ERNEST LUDLOW BOGART: *The Economic History of the United States*. New York: Longmans, Green & Co., 1920 (Third Edition). An excellently clear and lucid account.

168, 169. EDWARD STANWOOD: *A History of the Presidency*. Boston: Houghton, Mifflin & Co., 1912. Two volumes. An account of the political events of each presidential campaign, with the platforms and a statement of the votes. Has the value of a source.

**F. Sources.**

170, 171. THOMAS H. BENTON: *Thirty Years' View, or, A History of the Working of the American Government for Thirty Years, from 1820-1850*. 2 vols. New York: D. Appleton & Co., 1861-1862.

172, 173. JAMES G. BLAINE: *Twenty Years of Congress, 1861-1881*. 2 vols. Norwich, Conn.: Henry Bill Pub. Co., 1866.

Though the works of contemporaries and of participants, the accounts which Benton and Blaine give of the course of debate and legislation in Congress, for their respective periods, are surprisingly fair.

174, 175. ALBERT BUSHNELL HART, Editor: *American History Told by Contemporaries*.—Vols. iii, iv. New York: The Macmillan Co., 1898.—Excellent for illustrative purposes.

176, 177. WILLIAM MACDONALD, Editor: *Select Documents Illustrative of the History of the United States, 1776-1861*; and *Select Statutes, 1861-1898*. New York: The Macmillan Co., 1898 and 1903.—Very useful for the purpose indicated.

178-185. JOHN BASSETT MOORE: *International Law Digest*. 8 vols. Published by the Government, 1906.—A record of our diplomacy arranged topically. Of great value.

186-195. JAMES D. RICHARDSON, Compiler: *Messages and Papers of the President*. Washington: Government Printing Office, 1898-1899. Ten volumes.

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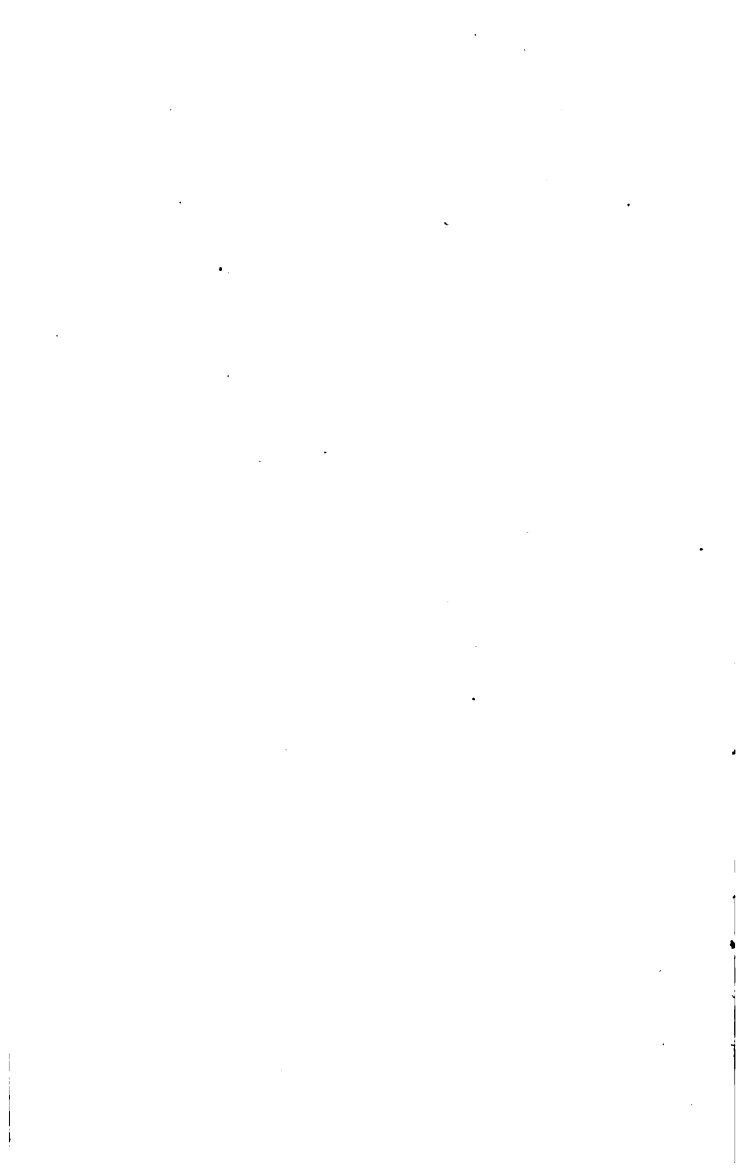
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# EPOCHS OF AMERICAN HISTORY.

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## DIVISION AND REUNION.

1820-1880.

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#### 1. References.

**Bibliographies.** — Hart's Formation of the Union, §§ 69, 81, 93, 106, 118, 130; Lalor's Cyclopædia of Political Science (Johnston's articles on the several political parties); Foster's References to the History of Presidential Administrations, 22-26; Channing and Hart, Guide to American History, §§ 32, 33, 56a, 56b, 157-179; Gilman's Monroe, Appendix, 255; Winsor's Narrative and Critical History of America, vii. 255-266, 294-310, viii. 469 *et seq.*, 491 *et seq.*

**Historical Maps.** — Thwaites's Colonies, Map 1; Hart's Formation of the Union, Maps 1, 3, 5 (Epoch Maps, Nos. 1, 6, 7, 10); Scudder's History of the United States, Frontispiece (topographical); MacCoun's Historical Geography of the United States, series "National Growth" and "Development of the Commonwealth;" Scribner's Statistical Atlas, Plates 1 (topographical), 13, 14.

**Special Histories.** — Johnston's History of American Politics, chaps. i.-x.; Stanwood's History of Presidential Elections, chaps. 1.-xi.; Henry Adams's John Randolph, 268-306; J. T. Morse's John Quincy Adams, 226-250; F. A. Walker's Making of the Nation; Carl Schurz's Henry Clay, 258-310; Theodore Roosevelt's Thomas H. Benton, 1-87; Tucker's History of the United States, iv. 409-515; Channing's Student's History of the United States, §§ 190-270.

**General Accounts.** — Pitkin's History of the United States; McMaster's History of the People of the United States; Von Holst's Constitutional and Political History of the United States, ii. 1-31, Schouler's History of the United States, iv. 1-31; Henry Adams's History of the United States, ix. 175-242; W. G. Sumner's Jackson, 1-135 (chaps. i.-vi.); Larned's History for Ready Reference.

**Contemporary Accounts.** — Michel Chevalier's *Society, Manners, and Politics in the United States*; Albert Gallatin's *Writings*, ii.; Josiah Quincy's *Figures of the Past*; Daniel Webster's *Correspondence*; Thomas H. Benton's *Thirty Years' View*, i. 70-118; John Quincy Adams's *Memoirs*, vi. 5-104; Alexander Johnston's *Representative American Orations*; Alexis de Tocqueville's *Democracy in America*, Bowen's Translation, i. 1-72; Ben: Perley Poore, *Perley's Reminiscences*, i. 88-199; Sargent's *Public Men and Events*, i. 116-171; Mrs. Frances Trollope's *Domestic Manners of the Americans*; Martin Van Buren's *Inquiry into the Origin and Course of Political Parties*, chapters v., vi.; W. W. Story's *Life and Letters of Joseph Story*, i.

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## CHAPTER I.

### THE STAGE OF DEVELOPMENT (1829).

#### 2. A New Epoch.

MANY circumstances combine to mark the year 1829 as a turning point in the history of the United States. In that year profound political changes occurred, Changed conditions. produced by the forces of a great and singular national development, — forces long operative, but hitherto only in part disclosed. The revolution in politics which signalizes the presidency of Andrew Jackson as a new epoch in the history of the country was the culmination of a process of material growth and institutional expansion. The population of the country had increased from about four millions to almost thirteen millions within the forty years which had elapsed since the formation of the federal government in 1789. The new nation was now in the first flush of assured success. It had definitively succeeded in planting new homes and creating new States throughout the wide stretches of the continent Political instincts. which lay between the eastern mountains and the Mississippi. It had once more proved the capacity of the English race to combine the rude strength and bold

initiative that can subdue a wilderness with those self-controlling habits of ordered government that can build free and permanent states. Its blood was warm with a new ardor, its power heartened into a new confidence. Party strength and discipline in the mercantile and maritime States of the eastern coast could no longer always avail to decide the courses of politics. A new nation had been born and nurtured into self-reliant strength in the West, and it was now to set out upon a characteristic career.

The increase of population in the United States has from the first been extraordinarily rapid. In only a single decennial period, — that in which the great civil war occurred, — has the increase fallen below the rate of thirty per cent. Generally it has considerably exceeded that ratio. Before 1830 very little of this increase was due to immigration: probably not more than four hundred thousand immigrants are to be reckoned in the increase of nearly nine millions which took place between 1790 and 1830; but within that period the pace was set for the great migration into the interior of the continent.

At first that migration was infinitely difficult and painful. It had to make its way over the mountains, and through the almost impenetrable wilderness of forest that lay upon and beyond them, in lumbering vehicles which must needs have wide ways cut for them, and which, whether on smooth or on rough roads, vexed the slow oxen or jaded horses that drew them. Or else it must try the rivers in raft-like boats which could barely be pushed against the currents by dint of muscular use of long poles.

Population  
and immi-  
gration.

The west-  
ward move-  
ment.

### 3. A Material Ideal.

It was an awkward, cumbersome business to subdue a continent in such wise, — hard to plan, and very likely



impossible to execute. Under such circumstances, Nature was much bigger and stronger than man. She would suffer no sudden highways to be thrown across her spaces; she abated not an inch of her mountains, compromised not a foot of her forests. Still, she did not daunt the designs of the new nation born on the sea-edge of her wilds. Here is the secret, — a secret so open, it would seem, as to baffle the penetration of none, — which many witnesses of the material growth and territorial expansion of the United States have strangely failed to divine. The history of the country and the ambitions of its people have been deemed both sordid and mean, inspired by nothing better than a desire for the gross comforts of material abundance; and it has been pronounced grotesque that mere bigness and wealth should be put forward as the most prominent grounds for the boast of greatness. The obvious fact is that for the creation of the nation the conquest of her proper territory from Nature was first necessary; and this task, which is hardly yet completed, has been idealized in the popular mind. A bold race has derived inspiration from the size, the difficulty, the danger of the task.

Expansion has meant nationalization; nationalization has meant strength and elevation of view.

“Be strong-backed, brown-handed, upright as your pines;  
By the scale of a hemisphere shape your designs,”

is the spirited command of enthusiasm for the great physical undertaking upon which political success was conditioned.

#### 4. Speed and Character of Growth.

Whatever fortune might have attended that undertaking by other instrumentalities, it is very clear that it was

steam, and steam alone, that gave it speed and full assurance of ultimate success. Fulton had successfully applied steam to navigation in 1807, and immediately the immense practical value of his invention in the building up of a nation became evident. By 1811 steamboats had appeared in considerable numbers on the great river highways of the West; and with their assistance the river valleys began rapidly to fill up with settlers. Kentucky, Tennessee, and Ohio, indeed, the first fruits of western settlement, had been created without the aid of steam, and were an earnest of what the nation had meant to accomplish, whether Nature were compliant or not. But it was not until 1810 that States began rapidly to spring up. Within the period of little more than nine years, from April, 1812, to August, 1821, seven States were admitted to the Union; and by the latter date there were already eleven new States associated with the original thirteen in the conduct of the federal government.

For fifteen years after the admission of Missouri no other State was created. During those years the population was being compacted rather than extended. Not only were those districts entered and filled which settlement had hitherto left untouched in its hasty progress, but the density of population within the regions already occupied showed a marked rate of increase. The aggregate population of the nine States which had been created toward the west was already almost half as great as the aggregate population of the States which had formed the Union in 1789.

##### 5. A Rural Nation.

This growth of population, it is important to note, had not been creative of cities so much as of simple and for the most part sparsely settled agricultural communities,

living each its own arduous, narrow life in comparative isolation. Railways were just beginning to be built in 1830; Rural com- travellers moved slowly and with difficulty munities. from place to place; news was sluggish, extended communication almost impossible. It was a time when local prejudices could be nursed in security; when old opinion was safe against disturbance; when discussion must be ill informed and dogmatic. The whole people, moreover, were self-absorbed, their entire energies consumed in the dull, prosaic tasks imposed upon them by their incomplete civilization. Everything was both doing and to be done. There was no store of things accomplished, and there must needs be haste in progress. Not many manufactures had been developed; comparatively little agricultural produce was sent abroad. Ex- ports there were, indeed, but more imports. Manufactures and commerce. Neither of these, moreover, bore any direct proportion to the increase of population. When foreign wars or the failure of crops in Europe created prices in transatlantic markets which greatly tempted to exportation, exportation of course took place, was even for a year or two greatly stimulated,—as, for example, in 1807. But presently it would fall to its old level again. The total value of the exports of 1829 was no greater than the total value of those of 1798. Manufactures, too, had been developed only upon a small scale by the War of 1812 and the restrictive commercial policy which had attended and followed it. Jackson came to the presidency at the beginning of a new industrial era, when railways were about to quicken every movement of commercial enterprise and political intercourse, and when manufactures were about to be developed on the great scale, but before these changes had been accomplished or generally foreseen. Hitherto the country had dreamed little of the economic and social revolution that was to

come. It was full of strength, but it was not various in its equipment. It was a big, ungainly, rural nation; alert but uncultured; honest and manly, but a bit vulgar and quite without poise; self-conscious, but not self-contained, — a race of homespun provincials.

### 6. Limitations upon Culture.

There was, of course, not a little culture and refinement in some parts of the country. Among the wealthy planters

of the South there was to be seen, along with Education. simple modes of rural life, a courtliness of bearing, a knowledge of the world and of books, and an easy adaptability to different kinds of society which exhibited only enough of the provincial to give them freshness and piquancy. New Englanders of all sorts and conditions had been affected by a system of popular education, although they had by no means all partaken of it; and those of the better sort had received a college training that had put them in the way of the higher means of culture. Books as well as life, old knowledge as well as new experience, schools as well as struggles with Nature, had gone to make up the American of the time. There were cultured families everywhere, and in some communities even a cultivated class. But everything was condi-

American society. tioned by the newness of the country. Judged by the standards of the older society of Europe, the life of Americans in their homes, and their behavior in public, seemed primitive and rude. Their manners were too free and noisy, their information touching things that did not immediately concern themselves too limited, their inquisitiveness too little guarded by delicacy, their etiquette too accidental. Their whole life, though interesting by reason of its ceaseless activity and movement, and inspiring by reason of its personal courage and initiative, was ungainly, unsuited to the drawing-room. There

was too much strain, and too little grace. Men took their work too seriously, and did not take social amenities seriously enough. Their energy was fine, but had too little dignity and repose.

In the literature of culture and imagination, Americans had as yet done almost nothing. Their literary work, like their work of settlement and institutional development, had hitherto been subject to the stress of theology and politics. Their best minds had bent themselves to the thoughts that might make for progress, to the task of constructing systems of conduct and devising safe plans of reform. A literature of wisdom had grown up; but there had been no burst of song, no ardor of creative imagination. Oratory, deserving to rank with that already classical, flourished as almost the only form of imaginative art.

In brief, the nation had not yet come into possession either of leisure or of refinement. Its strength was rough and ready; its thought chastened only in those spheres in which it had had experience. It had been making history and constructing systems of politics, and in such fields its thinking was informed and practised. But there was too much haste and noise for the more delicate faculties of the mind; men could not pause long enough for profound contemplation; and there was very little in the strenuous life about them to quicken the quieter and more subtle powers of poetic interpretation. The country was as yet, moreover, neither homogeneous nor united. Its elements were being stirred hotly together. A keen and perilous ferment was necessary ere the pure, fine wine of ultimate national principle should be produced. With full, complex, pulsing life, penetrated by the sharp and intricate interplay of various forces, and yet consciously single and organic, was to come also the literature of insight and creation.

7. **Political Conditions in 1829.**

The election of Andrew Jackson marked a point of significant change in American politics, — a change in *personnel* and in spirit, in substance and in *characteristics* method. Colonial America, seeking to construct a union, had become national America, seeking to realize and develop her united strength, and to express her new life in a new course of politics. The States which had originally drawn together to form the Union now found themselves caught in a great national drift, the direction of their development determined by forces as pervasive and irresistible as they were singular and ominous. Almost immediately upon entering the period of Jackson's administrations, the student finds himself, as if by a sudden turn, in the great highway of legislative and executive policy which leads directly to the period of the civil war, and, beyond that, to the United States of our own day. The tariff becomes a question of sectional irritation; the great Bank of the United States is destroyed, and our subsequent fiscal policy made necessary; the Indians are refused protection within the States, and given over to the tender mercies of border agencies; the slavery question enters its period of petition and public agitation, fulfilling the warning of the Missouri debates. More significant still, a new spirit and method appear in the contests of parties. The "spoils system" of appointment to office is introduced into national administration, and personal allegiance is made the discipline of national party organization. All signs indicate the beginning of a new period.

During the forty years of federal organization which had preceded 1829, the government had remained under the influence of the generation of statesmen which had conceived and framed the Constitution. It had been

conducted with all the conservatism of an old government. Washington, John Adams, Jefferson, Madison, and Monroe, the first five Presidents, were all of them men whose principles had been imbibed while the colonies were still subject to England. Their first training in affairs had been derived from experience acquired in communities whose politics had long run in lines parallel with the politics of their mother-country, whose institutions got their spirit and pattern from old-world originals. They were, in a sense, old-world politicians. Their views were clarified and their purposes elevated, no doubt, by their association with the purer and more elementary conditions of life in new communities; but they displayed a steady conservative habit in the conduct of affairs which distinguishes them from all subsequent generations of public men in the United States. John Quincy Adams, the sixth President, though of a new generation, was not of a new strain. His training had worked the principles of his father's school into every fibre of his stiff structure. His ideas of public duty were the old tonic, with the addition of a little acid.

Despite the apparent "revolution" involved in separation from England, there had really been an almost unbroken continuity in our politics from the first until 1824. Immigration from Europe did not begin seriously to affect the original strain of blood amongst us till the first generation of national statesmen was passing away. Not till then, either, did expansion westward, and the erection of new States remote from the coast, begin to tell upon our politics by the infusion of a decided flavor of newness. The colonial States were of course themselves a bit raw and callow as compared with the seasoned growths of European history; but even they had acquired some of the mellowness

and sedateness of age. The new States, on the other hand, which came rapidly into being after the Revolution, were at a much greater remove from old tradition and settled habit, and were in direct contact with difficulties such as breed rough strength and a bold spirit of innovation. They brought into our national life a sort of frontier self-assertion which quickly told upon our politics, shaking the government out of its old sobriety, and adding a spice of daring personal initiative, a power also of blind personal allegiance, to public life. The inauguration of Jackson brought a new class of men into leadership, and marks the beginning, for good or for ill, of a distinctively American order of politics, begotten of the crude forces of a new nationality. A change of political weather, long preparing, had finally set in. The new generation which asserted itself in Jackson was not in the least regardful of conservative tradition. It had no taint of antiquity about it. It was distinctively new and buoyantly expectant.

Moreover, the public stage had been cleared for it. The old school of politicians had been greatly thinned by death, and was soon to disappear altogether. Only Madison, Marshall, Monroe, and Gallatin remained, and only Marshall remained in authority. Monroe had but two more years to live. Madison, who had retired from active life in 1817, was drawing towards the end even of his final function of mild and conciliatory oracle. Gallatin was to live till 1849, but nobody was to call upon him again for public service. The generation to which these men belonged did not, indeed, altogether fail of successors. The traditions of statesmanship which they had cherished were to lose neither dignity nor vigor in the speech and conduct of men like Webster and the better New England Federalists; but they were to be constrained to adapt them-



selves to radically novel circumstances. Underneath the conservative initiative and policy of the earlier years of the government there had all along been working the potent leaven of democracy, slowly but radically changing conditions both social and political, foreshadowing a revolution in political method, presaging the overthrow of the "money-power" of the Federalist mercantile classes, and antagonism towards all too conspicuous vested interests.

### 8. Development of Parties (1789-1824).

The federal government was not by intention a democratic government. In plan and structure it had been meant to check the sweep and power of popular majorities. The Senate, it was believed, would be a stronghold of conservatism, if not of aristocracy and wealth. The President, it was expected, would be the choice of representative men acting in the electoral college, and not of the people. The federal Judiciary was looked to, with its virtually permanent membership, to hold the entire structure of national politics in nice balance against all disturbing influences, whether of popular impulse or of official overbearance. Only in the House of Representatives were the people to be accorded an immediate audience and a direct means of making their will effective in affairs. The government had, in fact, been originated and organized upon the initiative and primarily in the interest of the mercantile and wealthy classes. Originally conceived in an effort to accommodate commercial disputes between the States, it had been urged to adoption by a minority, under the concerted and aggressive leadership of able men representing a ruling class. The Federalists not only had on their side the power of convincing argument, but also the pressure of a strong and intelligent class

Original character of the government.

possessed of unity and informed by a conscious solidarity of material interest.

Hamilton, not only the chief administrative architect of the government, but also the author of the graver and more lasting parts of its policy in the critical formative period of its infancy, had consciously and avowedly sought to commend it by its measures first of all and principally to the moneyed classes, — to the men of the cities, to whom it must look for financial support. That such a policy was eminently wise there can of course be no question. But it was not eminently democratic. There can be a moneyed aristocracy, but there cannot be a moneyed democracy. There were ruling classes in that day, and it was imperatively necessary that their interest should be at once and thoroughly enlisted. But there was a majority also, and it was from that majority that the nation was to derive its real energy and character. During the administrations of Washington and John Adams the old federal hierarchy remained virtually intact; the conservative, cultivated, propertied classes of New England and the South practically held the government as their own. But with Jefferson there came the first assertion of the force which was to transform American politics, — the force of democracy.

So early did these forces form themselves for ascendancy that, had foreign influences been shut out, and the normal conditions of domestic politics preserved, the Federalists would probably have been forced from power after the second administration of Washington, and John Adams would have been excluded from the presidency. But the identification of the Democrats with the cause of the revolutionary party in France delayed their accession to power. At first sympathy with the French revolutionists had been the predominant sentiment in America. Even Washing-

First democratic movement.

ton's popularity was in a marked degree diminished by his committing the country to neutrality when France went to war with England. When, in addition to this, he signed Jay's treaty, which secured commercial privileges, indeed, in our trade with the English, but which gave up unquestionable international rights, indignation turned to wrath; and the man who had been universally revered as the savior of his country was freely and most cruelly denounced as little better than a traitor. But the tide turned. The commercial advantages secured by Jay's treaty proved more considerable than had been thought, and placated not a few among the opposition. The insane impudence of Genet and the excesses of his Republican supporters had alienated the moderate and the thoughtful. John Adams was elected President, and his party once more gained a majority in Congress. France, too, straightway did all she could to strengthen the reaction. By insulting and hostile measures she brought about an actual conflict of arms with the United States, and Federalist ascendancy was apparently once more assured.

But the war spirit thus so suddenly and unexpectedly created in their behalf only lured the Federalists to their own destruction. Blinded by the ardor and self-confidence of the moment, they forced through Congress the arbitrary Alien and Sedition Laws. These laws excited the liveliest hostility and fear throughout the country. Virginia and Kentucky, at the suggestion of no less persons than Jefferson and Madison, uttered their famous Resolutions. The Federalists had added to their original sin of representing the moneyed and aristocratic classes, and to their later fault of hostility to France and friendship for England, the final offence of using the powers of the federal government to suppress freedom of speech and trial by jury. It was a

huge and fatal blunder, and it was never retrieved. With the close of John Adams's administration the power of the Federalists came to an end.

Jefferson was the fittest possible representative of the reaction against them. Not only did he accept quite completely the abstract French democratic philosophy which had proved so hot an influence in the blood of his fellow Republicans while they sought to support the revolution in France; he also shared quite heartily the jealousy felt by the agricultural South and West towards cities, with their rich merchants and manufacturers, towards the concentration of capital, towards all "special interests." Both in dogma and in instinctive sympathies he was a typical Democrat.

The future, it turned out, was with the Republican party. The expansion of the country proved to be an expansion also of democratic feeling and method. Slowly, steadily, the growth of new communities went on, — communities chiefly agricultural, sturdily self-reliant, strenuously aggressive, absorbed in their own material development, not a little jealous of the trading power in the East. The old Federalist party, the party of banks, of commercial treaties, of conservative tradition, was not destined to live in a country every day developing a larger "West," tending some day to be chiefly "West." For, as was to have been expected, the political example of the new States was altogether and unreservedly on the side of unrestricted popular privilege. In all of the original thirteen States there were at first important limitations upon the suffrage. In this point their constitutions were not copied by the new States; these from the first made their suffrage universal. And their example reacted powerfully upon the East. Constitutional revision soon began in the old States, and constitutional revision in every case

Thomas  
Jefferson.

Extension  
of suffrage.

meant, among other things, an extension of the suffrage. Parties in the East speedily felt the change. No longer protected by a property qualification, aristocracies like that of New England, where the clergy and the lawyers held respectable people together in ordered party array, went rapidly to pieces, and popular majorities began everywhere to make their weight tell in the conduct of affairs.

Monroe's terms of office served as a sort of intermediate season for parties, — a period of disintegration and germination. Apparently it was a time of political unity, an "era of good feeling," when all men were of one party and of one mind. But this was only upon the Monroe's presidency. surface. The Federalist party was a wreck, and had left the title "Federalist" a name of ill-repute which few any longer chose to bear; but the Federalist spirit and the Federalist conception of politics were not dead. These were still vital in the minds of all who wished to see the material and political development of the country quickened by a liberal construction and progressive employment of the powers of the general government. Such germs were quick, therefore, to spring up into that National Republican party which was to become known in later days as "Whig," and which was to carry on the old Federalist tradition of strong powers extensively employed. While Monroe remained President such divisions as existed showed themselves for the most part merely as individual differences of opinion and personal rivalries. Divergent proposals of policy there were, votes and counter-votes; Congress by no means presented the picture of a happy family. In the very middle of the period, indeed, came the sharp contest over the admission of Missouri as a slave State, with its startling threat of sectional alienation. But party lines did not grow distinct; party organization was slow to take form.

## 9. Election of 1824, 1825.

By the presidential campaign of 1824 party politics were given a more definite form and direction. That campaign has, with more force than elegance, been described as "the scrub race for the presidency." The old parties were no longer in existence; the old party machinery would no longer work. It had been customary to give party candidates their nomination by congressional caucus; but the caucus which now got together to nominate William H. Crawford of Georgia consisted of a mere handful of his personal friends. New England made it known that her candidate was John Quincy Adams; Clay was put forward by political friends in the Legislatures of Kentucky, Louisiana, Missouri, Illinois, and Ohio; the legislators of Tennessee and many State conventions in other parts of the country, put Andrew Jackson in nomination. A bitter personal contest ensued between men all nominally of the same party. So far as it turned upon principles at all, it was generally understood that Clay and Adams were in favor of a broad construction of the Constitution, and a liberal expenditure of the federal revenue for internal improvements; while Crawford and Jackson were strict constructionists, and therefore inclined to deny the constitutionality of such outlays. The results of the election were not a little novel and startling. It had been a great innovation that a man like Andrew Jackson should be nominated at all. No other candidate had ever been put forward who had not served a long apprenticeship, and won honorable reputation as a statesman in the public service. There had even been established a sort of succession to the presidency. Jefferson had been Washington's Secretary of State; Madison, Jefferson's; Monroe, Madison's. In this line of succession John

Quincy Adams was the only legitimate candidate, for he was Secretary of State under Monroe. Jackson had never been anything of national importance except a successful soldier. It was unprecedented that one so conspicuously outside the ranks of administrative and legislative service should seek the highest civil office in the gift of the people. It was absolutely startling that he should receive more electoral votes than any of the other candidates. And yet so it happened. Jackson received 99 votes, while only 84 were cast for Adams, 41 for Crawford, 37 for Clay. It was perhaps significant, too, that these votes came more directly from the people than ever before. Until 1820, presidential electors had been chosen in almost all the States by the state legislatures; but in 1824 they were so chosen in only six States out of the twenty-four. In the rest they were elected directly by the people, and it was possible to estimate that almost fifty thousand more votes had been cast for the Jackson electors than for those who had voted for Adams. No one of the candidates having received an absolute majority of the electoral vote, the election went into the House of Representatives, where,

Choice by  
the House. with the aid of Clay's friends, Adams was chosen. It was then that the significance of the popular majority received its full emphasis. The friends of Jackson protested that the popular will had been disregarded, and their candidate shamefully, even corruptly, they believed, cheated of his rights. The dogma of popular sovereignty received a new and extraordinary application, fraught with important consequences. Jackson, it was argued, being the choice of the people, was "entitled" to the presidency. From a constitutional point of view the doctrine was nothing less than revolutionary. It marked the rise of a democratic theory very far advanced beyond that of Jefferson's party, and destined again and again to assert itself as against strict constitutional principle.

10. **The Accession of Jackson (1825-1829).**

Adams being seated in the presidential chair, the crystallization of parties went rapidly forward. Groups tended more and more to coalesce as parties. The personal traits of Adams doubtless contributed to hasten the process. His character, cold, unbending, uncompanionable, harsh, acted like an acid upon the party mixture of the

Re-formation  
of parties.

day, precipitating all the elements hitherto held in solution. He would placate no antagonisms, he would arrange no compromises, he sought no friends. His administration, moreover, startled and alienated conservative persons by its latitudinarianism upon constitutional questions. It was frankly liberal in its views; it showed the governing, as opposed to the popular, habit. It frightened those who, like the Southerners, had peculiar privileges to protect, and it provoked the jealousy of those whom it had so narrowly defeated, the personal admirers and followers of Jackson.

The supporters of Jackson did not for a moment accept the event of the election of 1825 as decisive. The "sovereignty of the people," — that is, of the vote cast for Jackson, — should yet be vindicated. The new administration

Campaign  
of 1828.

was hardly seven months old before the Legislature of Tennessee renewed its nomination of Jackson for the presidency. The "campaign of 1828" may be said to have begun in 1825. For three whole years a contest, characterized by unprecedented virulence, and pushed in some quarters by novel and ominous methods, stirred the country into keen partisan excitement. The President found his office stripped in part of its weight and prestige. For the first time since 1801 the presidential messages failed to suggest and shape the business of Congress: Adams fared as leader of a faction, not as head of the government. Old party discipline and



allegiance had disappeared; there was now nothing but the sharp and indecisive struggle of rival groups and coteries. And by one of these a new discipline and principle of allegiance was introduced into national politics. In New York and Pennsylvania there had already sprung into existence that machinery of local committees, nominating caucuses, primaries, and conventions with which later times have made us so familiar; and then, as now, this was a machinery whose use and reason for existence were revealed in the distribution of offices as rewards for party service. The chief masters of its uses were "Jackson men," and the success of their party in 1828 resulted in the nationalization of their methods.

Jackson carried New York, Pennsylvania, and the West and South against New Jersey and New England, and could claim a popular majority of almost one hundred and forty thousand. In 1828

Jackson's  
election.

the electors were voted for directly in every State, except Delaware and South Carolina. Jackson could claim with sufficient plausibility that the popular will had at last been vindicated. That the people are sovereign had been the central dogma of democratic thought ever since the day of Jefferson and the triumph under him of the "Democratic-Republican" party; but it had not received at the hands of that party its full logical expansion and application. The party of Jefferson, created by opposition to the vigorous centralizing measures of the Federalists, held as its cardinal, distinctive tenet the principle

Jeffersonian  
vs. Jacksonian  
Democracy.

that the Constitution should be strictly, even literally, construed; that its checks and balances should be made and kept effective; that the federal authorities should learn and observe moderation, abstention from meddling activity. But the logic of popular sovereignty operated, under other circumstances, in a quite opposite direction, as presently

appeared. When, in 1824 Jackson, after having received a plurality of the electoral votes, backed by what was thought to be a virtual popular majority, had nevertheless been defeated in the House of Representatives, the cry of his followers had been that there was a conspiracy to defeat the will of the people. Beyond all question the election of Adams had been perfectly constitutional. It could not ~~be~~ doubted that the Constitution had intended the House to exercise a real choice as between the three candidates who had received the highest number of votes when the electors had failed to give to any one a majority. The position of the Jackson men was plainly incompatible with any valid interpretation of the Constitution, most of all with a strict and literal construction of it. The plain intent of their doctrine was that the votes of popular majorities should command the action of every department of the government. It meant national popular verdicts; it meant nationalization.

The democracy of Jefferson had been very different. It had entertained very ardently the conviction that government must emanate from the people and be conducted in their interest; but the Jeffersonians had deemed it the essence of democracy to confine government to the little home areas of local administration, and to have as little governing anywhere as possible. It was not a theory of omnipotence to which they held, but a theory of method and sanction. They could not have imagined the Jacksonian dogma, that anything that the people willed was right; that there could not be too much omnipotence, if only it were the omnipotence of the mass, the might of majorities. They were analysts, not absolutists.

## II.

### A PERIOD OF CRITICAL CHANGE

(1829-1837).

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## CHAPTER II.

### PARTY SPIRIT AND POLICY UNDER JACKSON (1829-1833).

#### 12. The New President (1829).

THE character of Jackson created everywhere its own environment, bred everywhere conditions suitable to it-  
 Jackson's self and its own singular, self-willed existence.  
 character. It was as simple and invariable in its operations as a law of nature. He was wholly a product of frontier life. Born in one of the least developed districts of North Carolina, of humble Scotch-Irish parents but just come from County Antrim he had in early manhood gone to the still more primitive settlements of that Western District of North Carolina which was presently to become the State of Tennessee. As a boy he had almost no instruction even in the elements of an edu-

cation; had been obliged to eke out a shabby livelihood by saddle-making and work in the fields; had preferred horse-racing, cock-fighting, rough jests, and all rude and heedless sport to steady labor; and then had gone into the West, with a little knowledge of the law such as all young men who meant to get on in the world were then used to pick up, to assist in the administration of justice in the boisterous communities beyond the mountains. He

Jackson's  
public ex-  
perience.

speedily commended himself to his new neighbors for leading parts in their common life. He became a member of the convention which framed the first constitution of Tennessee, and was that State's first representative in the Federal House. He was afterwards for a short time in the Senate. He was even made a member of the Supreme Court of his State. More appropriately, he was chosen major-general of militia. Offices fell to him, not because of his ambition, but rather because the imperative qualities of his character thrust him forward as a natural leader of men. He was in every way a type of the headstrong, aggressive, insubordinate, and yet honest and healthy, democracy to which he belonged. He found his proper rôle, at last, in the war with the Creek Indians and in the war with England, which followed. He hated the Indian and the Englishman, and he loved to fight. At forty-seven he had repulsed the British at New Orleans, and won a military reputation which was to gain for him no less a prize than the Presidency.

### 13. New Political Forces (1829).

Such were the origin and nurture of the character which was to dominate the politics of the country from 1829 to 1837, — one of the most important and critical periods in the history of the government. It is necessary to know the man in order to understand the politics of

the time: a man of the type of Daniel Boone, John Sevier, and Sam Houston; cast in the mould of the men of daring, sagacity, and resource, who were winning the western wilderness for civilization, but who were themselves impatient of the very forces of order and authority in whose interest they were hewing roads and making "clearings." Such a man naturally stands forward in

The West. the development of a new and democratic nation. He impersonated the agencies which were to nationalize the government. Those agencies may be summarily indicated in two words, "the West." They were agencies of ardor and muscle, without sensibility or caution. Timid people might well look at them askance. They undoubtedly racked the nicely adjusted framework of the government almost to the point of breaking. No wonder that conservative people were alienated who had never before seen things done so strenuously or passionately. But they were forces of health, hasty because young, possessing the sound but unsensitive conscience which belongs to those who are always confident in action.

#### 14. Causes of Jackson's Success (1829-1837).

Our democracy has not by becoming big lost the characteristic democratic temperament. That is a temperament of hopefulness, but it is also a tem-  
The sections. perament of suspicion. The South, in 1828, saw the tariff policy of the party of the East forcing her agricultural interests more and more into a position of disadvantage, and feared other aggressions still more serious. The West was tired of the "artificial system of cabinet succession to the presidency," which seemed to be keeping the greatest of the national offices in the hands of a coterie of eastern statesmen. The whole country had grown jealous of the control of presi-

dential nominations which Congress had for long exercised through its party caucuses. It seemed to many as if national politics were getting into ruts, and as if those who had long been prominent in affairs were coming to regard the management of the offices as a private cult, necessitating the choice only of the initiated by the people. "If a link in the chain of successive secretary dynasties be not broken now," said the Pennsylvania convention which nominated Jackson in 1824, "then may we be fettered by it forever." It was even suspected that the group of public men for whom the great offices were always reserved were harboring corruption as well as the pride and exclusiveness of power. Perhaps some man sent out from the "bosom of the people," without taint of the politician's trade, might discover many things amiss, and set all things right. It was not a campaign of reason, it was a campaign of feeling, summed up in an "Hurrah for Jackson." It was easier for the mass of the people to cheer for this man, whose character seemed evident, and dignified by a fresh and open sincerity, than for any one of the accomplished gentlemen, his opponents, who had been so long before the country. It was hoped, by electing Jackson, to effect a gentle revolution.

#### 15. Appointments to Office (1829, 1830).

And indeed many phenomena of radical change were at once visible at the seat of government when he had taken the oath of office. The whole country perceived them, and seemed to feel the thrill and consciousness of altered conditions. It had felt the hand of western men before this, but differently. Clay had brought with him into politics an imagination for great schemes, an ardor for progress on the great scale, a

quick sympathy with the plainer sort of strong, sagacious men, and a personal force of initiative which marked him from the first as a man bred among those who were wresting the continent from Nature for their own uses. Benton, too, was on every point of political doctrine clearly a man of the West. But Clay acquired a politic habit of compromise, and Benton studied classical models of style and conduct. Neither of them had the direct and terrible energy or the intense narrowness of Jackson. Jackson's election was the people's revolution; and he brought the people to Washington with him. Those who were known to speak for him had said that, whatever his policy in other respects, it might confidently be expected that he would "reward his friends and punish his enemies." For the first time in the history of the country, Washington swarmed with office-seekers. It was believed that the people had at last inherited the government, and they had come to enter into possession. Not only those who sought appointment to the better sort of offices came, but the politically covetous of every degree. Jackson saw to it that they got all that there was to give. For the old office-holders there set in a veritable reign of terror. Official faithfulness and skilled capacity did not shield them; long tenure was construed against them. The President and his lieutenants must have the offices for the friends who had served them in the campaign. The Tenure of Office Act, passed in 1820, facilitated the new policy. That Act had created a four-year term for a large number of offices which had before that time been held by an indefinite tenure of good behavior. Monroe and Adams had not taken advantage of it; they had simply reappointed such officers as had not proved unfaithful. But it smoothed the way for the new methods of appointment introduced by Jackson. It made removals in many cases unnecessary: offices fell vacant of themselves.

Office-  
seeking.



**16. Jackson's Advisers (1829, 1830).**

The result was, of course, an almost entirely new civil service, made up of men without experience, and interested only in the political side of their new profession. The new discipline, too, was in the hands of new captains. In choosing his cabinet officers, Jackson did not altogether depart from custom. The men he selected were, it is true, with but one exception, inconspicuous and without the usual title to high office; but they had at any rate all been members of Congress, and engaged in national affairs. Martin Van Buren, who had but a few months before been elected governor of New York, was made Secretary of State, and though a politician of the new order of managers, rather than of the old order of statesmen, possessed talents not unworthy of the place. John H. Eaton of Tennessee was made Secretary of War because he was a personal friend of Jackson's. The Secretaries of the Treasury and of the Navy and the Attorney-General owed their preferment to the fact that they were friends of Calhoun, the Vice-President, who was the leader of the Southern contingent of the Jackson forces. The Postmaster-General had recently been a candidate for the governorship of Kentucky, in the Jackson interest, and had been defeated by the candidate of the party of Clay.

It was of little significance, however, as it turned out, who held these offices. Jackson was intimate with Eaton, and came more and more to confide in Van Buren; "Kitchen Cabinet." but he sought advice for the most part outside the cabinet. Jackson was never afraid of responsibility, and never had any respect for custom. He therefore took whom he pleased into his confidence, ridding himself without a touch of compunction of the cabinet meetings which most of his predecessors had felt

it their duty to hold. Instead of confiding in his "constitutional advisers," he drew about him a body of men which the press of the day dubbed his "Kitchen Cabinet." By far the most able members of this group were William B. Lewis, Jackson's relative and neighbor, and now for twelve years or more his confidential friend and political coach and manager, and Amos Kendall, a political soldier of fortune. Lewis was a born manager of men, a master of the difficult dramatic art of creating "situations" useful to his friends. Kendall had the intellectual gifts and the literary style which fitted him for writing the higher kind of state-papers; the pity of it was that he had also the taste and talent for supplying the baser sort of writing necessary for the effective editing of partisan newspapers. These private advisers, whatever may have been their individual virtues, were gotten together to effect that combination between national policy and party management which has ever since been the bane and reproach of American politics.

No wonder political leaders of the old stamp were alarmed. It must have seemed as if the foundations of political morals had broken away; as if the whole character of the government were threatened with sinister change. The President's frontier mind made a personal matter of all opposition to him. Congress and the President had hitherto acted together as co-operative parts of an harmoniously integrated system of government; there had seldom been more than the inevitable and desirable friction between those who supported and those who opposed the measures of the administration. Until John Quincy Adams became President, Congress had even allowed its business to be shaped in most matters by the suggestions of the Executive. But since parties had divided upon lines of personal rivalry in the campaign of 1824, affairs had worn a much

Disharmony  
in the gov-  
ernment.

altered complexion; and the election of Jackson to the presidency seemed to make the change permanent. It began to be felt, by those who opposed him, that party struggles for the future affected, not so much measures, as the very structure of the government.

### 17. The "Spoils System" (1829, 1830).

It was in such an atmosphere and under such circumstances that the business of the country was resumed by the Twenty-first Congress on December 7, 1829. The nine months which had elapsed since Jackson's inauguration had disclosed many evidences of what the new administration was to be, and the Houses came together in an anxious frame of mind, conscious that there were delicate questions to be handled. The radical reconstruction of the civil service in the interest of those who had actively supported Jackson for the presidency had startled and repelled not a few even of the Jackson men; for many of these had chosen to believe that their chief was to represent a conservative constitutional policy; had refused to see that he was not a politician at all, but only an imperative person whose conduct it would always be difficult either to foresee or control. It was estimated that when Congress met, more than a thousand removals from office had already taken place, as against seventy-three at most for all previous administrations put together; and John Quincy Adams uttered a very common judgment when he wrote in his Journal: "Very few reputable appointments have been made, and those confined to persons who were indispensably necessary to the office." "The appointments are exclusively of violent partisans," he declares, "and every editor of a scurrilous and slanderous newspaper is provided for." "The administration," exclaimed Webster, when the whole scope

and significance of the new system of appointment had been disclosed, "the administration has seized into its own hands a patronage most pernicious and corrupting, an authority over men's means of living most tyrannical and odious, and a power to punish free men for political opinions altogether intolerable."

A good deal of solicitude had once and again found expression concerning executive patronage, especially of late years, as the number of Federal offices ran higher and higher into the thousands; but the fears that had been felt had seemed idle and exaggerated in the presence of the steady conservatism and integrity of the Presidents hitherto in the exercise of their removing power. Now, at length, however, the abuses that had been dreaded had come. "We give no reasons for our removals," said Van Buren; but the reasons were generally plain enough. Friends were to be rewarded, enemies punished; and inasmuch as the number of needy friends greatly exceeded the number of avowed enemies to be found in office, even those who could not be shown to deserve punishment were removed, to provide places for those who were deemed to deserve reward. The Senate rejected some of the worst names submitted to it; it cast anxiously about for some means of defeating the unprecedented schemes of the President; but all to no avail. Its resistance only exasperated Jackson; there were even alarming indications that the President gained in popularity almost in direct proportion to the vigor and stubbornness with which he stood out against the Senate in the assertion of what he deemed the prerogatives of his office.

The President's first message to Congress showed a consciousness that some explanation was due to the country; but the explanation offered was very vague. It asserted the corrupting influence of long terms of office.

Crisis in the  
public ser-  
vice.

and denied that any one ever acquired a right to an office by holding it; but it did not attempt to show that long

The President's reasons.

tenure had actually corrupted those who had been removed, or that those who had been substituted had the necessary title of capacity.

Probably Jackson was not personally responsible for the choice of unworthy men. He asserted just before his death, indeed, that he had himself made only one removal of a subordinate official "by an act of direct personal authority." There can be no question that he thought that many of those in office at his advent were dishonest; and no one who understands his character can doubt that he wished trustworthy men to be put in their places. But it was impossible to appoint so many without mistakes, — impossible to make appointments at all upon the ground of personal or party allegiance without an almost unbroken series of mistakes.

#### 18. Responsibility for the System (1829, 1830).

It is possible now to assign the responsibility for the introduction of these pernicious practices into national

Jackson's advisers.

politics quite definitely. Unquestionably it must rest upon those who advised Jackson, rather than upon Jackson himself. Jackson loved his friends and hated his enemies, after the hearty, straightforward manner of the frontier. He was, moreover, a soldier, and a soldier whose knowledge of war and discipline had been acquired in the rough border warfare in which the cohesion of comradeship and personal devotion is more effective than the drill and orderly obedience of regular troops. Temperament and experience alike explain his declaration, "I am no politician; but if I were one, I would be a New York politician." New York politics had produced that system of party organization whose chief instrument was the nominating convention.

made up of delegates selected, in caucus, by local political managers, and organized to carry out the plans of a coterie of leaders at the State capital (Formation of the Union, § 131). This coterie was known in New York as The Albany Regency. the "Albany Regency," and its guiding spirit was Martin Van Buren, whom Jackson had called from the governor's chair to be Secretary of State and his trusted personal friend and adviser. The system which Mr. Van Buren represented had come to completion with the extension of the suffrage. A great mass of voters, unable of themselves to act in concert or with intelligent and independent judgment, might by careful management and a watchful sagacity be organized in the interest of those who wished to control the offices and policy of the State. Neither the idea nor the practice was confined to New York. Pennsylvania also had attained to almost as great perfection in such matters.

The means by which the leading coteries of politicians in these States controlled the action of caucuses and Means of management. ventions were not always or necessarily corrupt. It is probable, indeed, that in the youth of these party organizations actually corrupt practices were uncommon. The offices of the State government were used, it is true, as prizes to be given to those who had rendered faithful party service, in due submission to those in command; and there were pecuniary rewards to be had, too, in the shape of lucrative contracts for public works or the State's printing. But very honorable men were to be found acting as masters of the new management. "When they are contending for victory," said Mr. Marcy in the Senate, speaking of the group of New York politicians to which he himself belonged, "they avow the intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the

advantages of success. They see nothing wrong in the rule that to the victors belong the spoils of the enemy." There was nothing consciously sinister in this avowal. It was, on the contrary, the language of an upright, if not a very wise, man; and it contained a creed which Jackson accepted at once, by natural instinct, without perceiving either the demoralizing or the corrupt meaning of it. He loved men who would stand together in hearty loyalty, shoulder to shoulder, and submit to discipline. He believed that it was right to see to it that every public servant, of whatever grade of the service, adhered to the right men and held to the right political opinions. He put himself in the hands, therefore, of the new order of politicians, some of whom had views and purposes which he was too honest and upright to perceive. It was thus unwittingly that he debauched national politics.

#### 19. The Democratic Programme (1829).

The question of appointment to office was not the only question which was given a new aspect by the policy of Jackson's the new administration. The President's first policy. message to Congress was full of important matter aggressively put forward. It was in almost every point clear, straightforward, explicit; and it subsequently turned out to have been meant as a serious programme, marking lines of policy which the President was to pursue resolutely — stubbornly when necessary — to the end. It gave warning that the President doubted the constitutionality of the charter of the Bank of the United States, which everybody supposed had been finally established by the decision of the Supreme Court in the case of *McCulloch vs. Maryland* (Formation of the Union, § 125); and thus foreshadowed his purpose to lay inexperienced hands on the finances of the country. It bespoke his

purpose to rid the States of their Indian population. It declared also, very impressively, his respect for the independent powers of the States under the Constitution, and his opinion that the surplus revenue about to accrue to the national treasury ought to be turned into their several exchequers, rather than spent by Congress upon internal improvements under a doubtful interpretation of the Constitution. It assumed a firm and dignified attitude towards foreign affairs, which promised gratifying results. Only Popular support. on the tariff did it speak with uncertain sound. It was a characteristic document. Its hostility to the Bank reflected a popular sentiment and a political instinct with which the friends of the Bank had not sufficiently reckoned hitherto. Its desire that the surplus funds of the federal government should be distributed among the States had a touch of the same meaning. Its utterance concerning the policy of the government towards the Indians gave voice to Jackson's own feeling about the relative rights of white men and red in the border States, and betokened that he would be no less effective an opponent of the Indian as President than he had been as commander in the Creek and Seminole wars. Its language touching foreign affairs spoke the military confidence and the bold patriotism of the old soldier.

#### 20. The Indian Question (1802-1838).

All frontiersmen loved autonomy in local government, and were by instinct "states-rights" men; and of none was this truer than of the men of Kentucky and Frontiersmen. Tennessee. When the federal government had hesitated about purchasing Louisiana, and thus gaining control of the Mississippi, they had threatened to break away from their allegiance and take independent action. They had been impatient of the slackness and



delays of the authorities in Washington when their lives and property were in jeopardy because of the Indians, and the wars with the southwestern tribes had been largely of their own undertaking. The Southerners who had supported Jackson for the presidency were not mistaken, therefore, when they reckoned the Tennessee general a friend of the powers of the States, though it was dangerous, as it turned out, to presume too far upon his sympathies in this regard while he was himself at the head of the federal government. To resist the federal authority was then to resist Jackson himself, and the instinct of masterful authority in him was stronger than the instinct of "states-rights."

In Georgia the Indian question had just passed one sharp crisis (Formation of the Union, § 137) when Jackson came to the presidency, and was entering upon a second and final crisis. The State had again and again demanded that the federal authorities should take action in the matter, in fulfilment of their promise of 1802, that the Indian titles should be extinguished as soon as possible; but the Indians had steadily refused to treat. The State authorities had grown impatient; had violated the treaty rights of the Indians; had even threatened to defy federal authority and drive the red men out at all hazards. Finally, federal commissioners had obtained the Georgian lands of the Creeks, in 1826, probably by bribing the chiefs of the tribe, and Congress had provided a new place of settlement for them beyond the Mississippi.

But the Cherokees remained, and it was a much more serious inconvenience to Georgia to have the Cherokees remain than it would have been to fail to get rid of the Creeks. There were more than thirteen thousand Cherokees in the State. They occupied an extensive and very fertile region in the northwest

portion of her territory; they had acquired a degree of civilization and of ordered self-government which rendered it impossible to deal with them as with savages; every circumstance threatened to fix them as a permanent independent community within the State. The Georgians were very naturally determined that nothing of the sort should take place. So soon as it was known that Jackson had been elected President, an Act was passed by the Georgia Legislature extending the laws of the State over the Cherokee territory, and dividing that territory into counties. In 1829 Alabama followed suit. Jackson approved. "I informed the Indians inhabiting parts of Georgia and Alabama," he told Congress in his first message, "that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to migrate beyond the Mississippi or to submit to the laws of those States." When the governor of Georgia requested him to withdraw the federal troops which had been sent down to protect the Indians, he complied. In 1830 Congress passed an Act to encourage and assist the Indians to remove beyond the Mississippi. Three several times between the opening of the year 1830 and the close of the year 1832 were the claims of the Indians taken by appeal from the Georgia courts to the Supreme Court of the United States, and as often did that court decide in favor of the Indians as claimants under treaties with the United States; but the Executive declined to enforce its judgments. The last appeal that was taken having been decided in 1832, when a new presidential election was at hand, Jackson declared that he would leave the decision as to the legality of his conduct in this matter to the people, thus making bold avowal of his extraordinary constitutional theory, that a vote of the people must override the action of all con-

Jackson's  
attitude.

*Jackson's hate for the Indians.*

stituted authorities when it could be construed to approve what they had condemned. In 1834 an Indian Territory was roughly defined by Act of Congress beyond the Mississippi. By 1838 the Indians were almost wholly driven from the Gulf States.

Jackson had, it should be remembered, in his message of December, 1829, taken his stand upon the Constitution in regard to this question. Those who would judge for themselves between Georgia and the Cherokees must resolve this point of law: if the power of the federal executive to negotiate treaties be added to the power of Congress to regulate commerce with the Indian tribes, do they together furnish a sanction for the erection of a permanent independent state within the territory of one of the members of the Union, and so override that other provision of the Constitution which declares that "no new State shall be formed or erected within the jurisdiction of any other State" without the express consent of the Legislature of that State and of Congress? Judgment was passed upon the law of the case by the Supreme Court, and Jackson should unquestionably have yielded obedience to that judgment; but the point of law is a nice one.

### 21. Internal Improvements (1829-1837).

In the matter of internal improvements (Formation of the Union, § 136) Jackson gave early and frequent proof that he was in favor of a strict construction of the Constitution and a scrupulous regard for the separate powers of the States. He declared his purpose to stand upon the constitutional principles that had governed Madison and Monroe in this question, — upon the ground, namely, that no expenditure by the federal government was legitimate which was not made for an object clearly national in character; and that, inasmuch

as it must always be very difficult to determine whether the public works which the United States was constantly being urged to undertake were really of national importance, it was best to be exceedingly chary of agreeing to such outlays. He had urged in his first message the very great importance of the functions of the States in the national system of government, and had solemnly warned Congress "against all encroachments upon the legitimate sphere of state sovereignty." He had in this way given emphasis to his proposal that instead of applying the surplus revenue of the federal government by the vote of Congress to the construction of public works, it should be distributed among the States, to be employed at their discretion. And this continued to be his attitude throughout the years of his presidency. The appropriations made by Congress for internal improvements during those years were large, but they "Riders." were not made by distinct Acts of appropriation for that specific purpose. They were made as items in the general Appropriation Bills, which the President must have vetoed as a whole in order to reach the obnoxious items. It was only thus that the President's opposition to such expenditures could be thwarted.

## 22. Sectional Divergence.

John Quincy Adams had been while President an outspoken and even urgent advocate of national expenditures for internal improvements, a firm supporter of the treaty rights of the Indians in the Gulf States, and an avowed friend of the system of protective tariffs; and his position upon these questions had completely alienated the South from him. In 1824 he had received some support in the South for the presidency; but in 1828 he had received practically none at all

Division under Adams.

outside of Maryland. All of the southern votes which had been cast for Crawford or Clay in the election of 1824 were transferred in 1828 to Jackson; and Jackson's attitude. in the matter of his treatment of the Indians and his attitude towards internal improvements the South had had no reason to repent of its choice. Jackson fulfilled its hopes by drawing about him a party firmly, consistently, even courageously devoted to the principle of strict construction in the interpretation of the constitutional powers of the federal government, and the South had good reason to be satisfied with the local autonomy thus secured to it.

But there were influences afoot which were to force sectional divergences, nevertheless. The tariff law of 1828 (Formation of the Union, § 138) had committed the country to the fullest extent to the policy of commercial restrictions in favor of domestic manufactures; and such a policy could not but subject the South to a serious, if not fatal, economic loss. For her system of slavery shut her out from the development of manufactures. Her only hope of wealth lay in the maintenance of a free commerce, which should take her agricultural products, and, most important, her cotton, to any market of the world, foreign or domestic, that might offer. The era of railway construction was just dawning, and that era was to witness vast and sudden changes in the economic condition of the country which would operate to expand and transform the industrial North and West speedily and upon an enormous scale, but which were to affect the South scarcely at all. The northern and southern groups of States, already profoundly different in life and social structure, were to be rendered still more radically unlike. A sharp and almost immediate divergence between them, both in interest and in opinion, was inevitable.

### 23. The Public Land Question (1829, 1830).

Jackson came to the presidency at the very moment when, for the first time since the Missouri debates, symptoms of this divergence were becoming acute.

**Political significance.** During the first session of the first Congress of his term a debate upon the public land question brought out in the most striking manner possible the antagonism already existing between the two sections. The public land question had two very distinct sides. On the one hand, it was a question of administration, of the management of the national property; on the other hand, it was a question of politics, of the creation of new States and the limitation or extension of the area of settlement. From the point of view of institutions, it was also a question of the extension or limitation of slavery. It was in its latter aspect that it had provoked debate upon the occasion of the admission of Missouri to the Union; and it was in this aspect also that it called forth the "great debate" of 1830. That debate took place upon a resolution introduced by Mr. Foote of Connecticut, who proposed that an official inquiry should be instituted for the purpose of determining the expediency of the policy of rapid sales of the public lands which had been pursued hitherto, and of ascertaining whether these sales might not, at least for a period, be with advantage limited to lands already surveyed and on the market. The resolution meant that the eastern States, which were trying to foster a new industrial system of manufactures, were hostile to the policy of creating new agricultural communities in the West, at any rate rapidly and upon an unlimited scale. If the federal government continued to survey and police the western lands, and thus prepare them for settlement, inviting all classes to purchase, the while, by means of

prices meant merely to cover the actual expenses of the government in making this preparation for settlement, not only those who had capital, but also the better part of the laboring classes would be constantly drawn away from the East, and her industrial system greatly embarrassed, if not rendered impossible. What was the use of protective tariffs which shut out foreign competition, if wages were to be perpetually kept at a maximum by this drain of population towards the West? Here was a serious issue between East and West, — a serious issue also, as it turned out, between the eastern States and the South; for in this matter the South stood with the West.

It is not easy without a somewhat close scrutiny of the situation to perceive why this should have been the case. Apparently the interests of the South would not be greatly

*Sympathy of South and West.* advanced by the rapid settlement and development of the West; for it was already evident that the political interests of the South were inextricably bound up with the maintenance and even the extension of the system of slavery, and the Missouri Compromise had shut slavery out from the greater part of the Western territory. At the time of the debate on Foote's resolution, however, other considerations were predominant. The protective tariff law of 1828 had been taken by the South to mean that the eastern States intended, at whatever hazards of fortune to other portions of the Union, to control the revenue policy of the federal government in their own interest. When Foote introduced his resolution Benton had sprung forward to declare with hot indignation that such propositions were but further proof of the spirit, — a spirit now of neglect and again of jealousy, — which the New England States had always manifested towards the West. The South, therefore, smarting under a restrictive tariff which it

regarded as a New England measure, and the West chafing under the selfish jealousy which, it seemed to her, New England was always showing towards Western interests, it was natural that they should draw together in policy, as they had done in personal preferences when they had united to support Jackson.

#### 24. The Debate on Foote's Resolution (1830).

But it is what was said in this memorable debate, even more than what was done for the amalgamation of parties by the feelings which it aroused, that made it one of the most significant in the annals of Congress. It brought out, for the first time on the floor of Congress, a distinct statement of the constitutional principles upon which North and South were to diverge. Senator

Senator Hayne. Hayne of South Carolina, speaking for his State, and, it was feared, for the South as a whole, plainly declared that, in case of aggressions which seemed deliberate, palpable, and dangerous violations of the rights reserved to the States under the Constitution, any State would be justified, when her solemn protests failed of effect, in resisting the efforts of the federal government to put the measures complained of into execution within her jurisdiction. He appealed, for authority, to the Virginia and Kentucky Resolutions of 1798 and 1799 (Formation of the Union, § 90), which had seemed to give voice to a common sentiment when holding in their day similar doctrine. He claimed that the Constitution of the Union was a compact between the States; that to make the federal government the sole judge, through its judiciary, of the extent of its own powers was to leave the States utterly without guarantee of the rights reserved to them, and might result in destroying the federal character of the government altogether; and that if the



States could not defend themselves in cases where the unconstitutionality of acts of the Federal Government seemed to them deliberate and palpable, the government might be consolidated to a point of intolerable tyranny. To these arguments Mr. Webster replied in a speech full of power and of high purpose, and illuminated by a chastened eloquence which renders it worthy of being preserved among classical specimens of oratory. He maintained that the great fundamental instrument of the Union was not a compact, but in the fullest and strictest sense of the word a constitution, meant, not to effect an arrangement, but to found a government; and that this government had been purposely equipped at all points with self-sustaining powers. It was not a creature of the States, but the organ of the nation, acting directly upon individuals, and not to be checked in the exercise of its powers save by such processes and upon such principles of law as should be sanctioned by its own Supreme Court, which the Constitution had itself designated as the sole interpreter of its meaning.

It would be difficult to exaggerate the significance of this discussion. It was the formal opening of the great controversy between the North and South concerning the nature of the Constitution which bound them together. This controversy was destined to be stimulated by the subsequent course of events to greater and greater heat, more and more intense bitterness, until it should culminate in war. At its heart lay a question, the merits of which are now seldom explored with impartiality. Statesmanlike wisdom unquestionably spoke in the contention of Webster, that the Constitution had created, not a dissoluble, illusory partnership between the States, but a single federal state, complete in itself, enacting legislation which was the supreme law of the land, and dissoluble only by revolution. No other doctrine could

have stood the strain of the political and economic experiment we were making. If we were not to possess the continent as a nation, and as a nation build up the great fabric of free institutions upon which we had made so fair a beginning, we were to fail at all points. Upon any other plan we should have neither wealth nor peace sufficient for the completion of our great task, but only discord and wasted resources to show for the struggle. It may, nevertheless, be doubted whether this was the doctrine upon which the Union had been founded. It seems impossible to deny that the argument of Hayne

contained much more nearly the sentiment of 1787-89. The Virginia and Kentucky Resolutions (Formation of the Union, § 90), whether they spoke any purpose of actual resistance or not, had certainly called the federal Constitution a compact, and had declared, in language which Senator Hayne adopted, "that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the said compact, the States, who are members thereof, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them." There are no indications that these Resolutions were considered treasonable at the time they were passed; they do not even seem to have shocked the public sense of constitutional duty. Indeed, the doctrine that the States had individually become sovereign bodies when they emerged from their condition of subjection to Great Britain as colonies, and that they had not lost their individual sovereignty by entering the Union, was a doctrine accepted almost without question, even by the courts, for quite thirty years after the formation of the government. Those who worked the theory out to its logical consequences described the sovereignty

Historical  
merits of the  
question.

of the federal government as merely an emanation from the sovereignty of the States. Even those public men who loved the Union most, yielded theoretical assent to the opinion that a State might legally withdraw from the government at her own option, and had only practical and patriotic objections to urge. Every State or group of States which had a grievance against the national government bethought itself of its right to secede. The so-called Whiskey Rebellion in Pennsylvania had been symptomatic of disunion in that quarter; Virginia and Kentucky had plainly hinted at it in their protests against the Alien and Sedition Laws; and New England had more than once threatened it when she deemed the federal policy destructive of her own interests. She had doubted whether she would remain in the Union after the purchase of Louisiana, — a territory in which, she foresaw, States were to grow up which might care nothing for the interests of the East; and she had talked of secession when the embargo of 1807 and the War of 1812 had brought her commerce to a standstill (Formation of the Union, § 115).

**Early sentiments.** **Threats of secession.** "It is my deliberate opinion," Josiah Quincy of Massachusetts had said in the House of Representatives, when it was considering the admission of the first State from the great Louisiana purchase, "it is my deliberate opinion that if this bill passes, the bonds of the Union are virtually dissolved; that the States which compose it are free from their moral obligations; and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation, — amicably if they can, violently if they must;" and the House had seen nothing in the speech to warrant a formal censure. Even so late as the period of the Missouri Compromise, "the Union was still, in some respects, regarded as an experiment," and speculations about the advisability of dissolving it did not

appear to the popular mind either "politically treasonable or morally heinous."

The ground which Webster took, in short, was new ground; that which Hayne occupied, old ground. But Webster's position was one toward which the greater part of the nation was steadily advancing, while Hayne's position was one which the South would presently stand quite alone in occupying. Conditions had changed in the North, and were to change in the immediate future with great and unprecedented speed; but the conditions of the South, whether political or economic, had remained the same, and opinion had remained stationary with them. The North was now beginning to insist upon a national government; the South was continuing to insist upon the original understanding

of the Constitution: that was all. The right upon which Hayne insisted, indeed, was not the right of his State to secede from the Union, but the singular right to declare a law of the United States null and void by Act of her own Legislature, and remain in the Union while denying the validity of its statutes. There were many public men, even in South Carolina, who held such claims to be ridiculous. They believed in the right to secede: that seemed a perfectly logical inference from the accepted doctrine of state sovereignty; but they did not believe in the right to disregard the laws of the Union without seceding: that seemed both bad logic and bad statesmanship. It was, in truth, a poor, half-way inference, prompted, no doubt, by love of the Union, and genuine reluctance to withdraw from it. Those who held it, wished to secure their States against aggression, but did not wish to destroy the federal arrangement. Webster found little difficulty in overwhelming the argument for "nullification;" it was the argument for state sovereignty, the maior premise of the argument for nullifica-

tion, which he was unable to dislodge from its historical position. It was to be overwhelmed only by the power that makes and modifies constitutions, — by the force of national sentiment.

#### 25. Tariff Legislation (1816-1828).

South Carolina, nevertheless, meant to put this novel doctrine of nullification to the test of practical experiment. Her grievance had no immediate connection with the question of the public lands; it arose out of the tariff policy of the federal government. The question of western settlement was part of the economic situation as a whole; but the central question of that situation was the tariff; and the latest tariff legislation had, in the opinion of Carolinians, been the worst. Certainly the South had abundant reason to be dissatisfied with the operation of protective tariffs; and certainly the protective tariff of 1828 was a monstrosity of its kind (Formation of the Union, Act of 1828, § 138). It was not equitable even when judged by the standard of its own purposes; it was not so much as self-consistent. It was a complex of compromises, and bore upon its face evidences of the notorious fact that it was the product of a selfish contest between several sections of the country for an economic advantage. The awkward part of the situation for the southern members was that they had themselves been in part responsible for this very law, and in a way that it was very embarrassing to defend. They had used their influence to fill the bill with as many provisions as possible that would be obnoxious to New England, and had then used their votes to prevent amendments, in order that the New England members might be forced to vote with them at the last against the adoption of the measure. They had

played a dangerous game for a political advantage, with a view to the presidential election just at hand, and they had lost the game; for a sufficient number of the New England members voted for the bill to carry it.

All this, however, though it embarrassed the southern argument against the measure, did not change the char-

acter of the tariff law of 1828, or alter its significance as an object lesson in such legislation.

It had evidently been the result of a scramble among rival interests for a selfish advantage. Until 1816 the duties imposed upon imports had been primarily intended to yield a revenue to the government; they were only incidentally protective. The tariff of 1816

Act of 1816. had been more directly meant to afford protection to industries which had sprung up during the period of the embargo and the War of 1812-14, when all foreign commerce was practically cut off, and domestic manufactures made necessary (Formation of the Union, § 122). The moderate duties then imposed, however, had not prevented a flood of importation after the war, or a rapid rise in the prices of agricultural products in consequence of repeated failures in the European crops. They had not mended the vicious currency system of the country. They had not furnished any remedy for speculation or any specific against the results of a return of good crops in Europe. In 1819, therefore, there came a financial crash. Public opinion insisted upon a series of protective measures; and the Tariff Act of 1828 was the culmination of the series.

#### 26. Effect of the Tariff upon the South (1816-1829).

The particular provisions of these various tariff measures were of comparatively little consequence, so far as the South was concerned. The Act of 1816 had had

little importance for her; but when subsequent tariffs increased duty after duty and more and more restrained importation, it became very evident that she was to suffer almost in direct proportion as other sections of the country gained advantage from such legislation. And assuredly she was making contributions to the wealth and commerce of the country which entitled her to consideration in the matter. The total value of the exports from the United States in 1829 was \$55,700,193, and to this total the southern States contributed no less than \$34,072,655 in cotton, tobacco, and rice. The contribution of the South appears still more striking if it be compared with the total value of agricultural exports, which was a little under \$44,000,000. Three-fourths of the agricultural exports of the country, in short, came from the South; and very nearly three-fifths of all the exports. The value of the exports of manufactured articles reached only about \$6,000,000. High duties on hemp and flax, on wool, on lead and iron, meant that those who contributed most to the external commerce of the country were to have their markets restricted for the benefit of those who contributed very little. The value of the exports of manufactured iron in 1829 was only \$70,767; of the exports of lead, only \$8,417.

Moreover, if there was reason for complaint, South Carolina was entitled to be spokesman for the South. The exports from South Carolina in 1829 reached the sum of \$8,175,586, — figures exceeded only by the figures for New York and Louisiana, and, by a few thousands, by those for Massachusetts. The total value of the exports of cotton in that year was \$26,575,311; that of cotton manufactured goods exported, only \$1,258,000. It was urged, of course, that by stimulating domestic industries the resources of the

Southern  
interests.

Southern  
exports.

Exports  
from South  
Carolina.

country were being augmented and a great home market created for the products of the South; but this home market for cotton and rice and tobacco seemed a remote and doubtful good to the southern planters when balanced against the great and present value of their foreign market.

### 27. Constitutional Question of the Tariff (1829).

It was this gross inequality in the operation of the tariff, this burden thrown upon a particular section from which the other sections were exempt, that gave The South-  
ern view. emphasis to the claim of the southern leaders that such legislation was unconstitutional, even "deliberately and palpably" unconstitutional. The Constitution of the United States explicitly bestows upon the federal Congress both the power to levy taxes of all kinds and the power to regulate commerce with foreign nations. The only limitation imposed is that all taxation shall be uniform throughout the United States, and that its object shall be either to pay the debts or to provide for the common defence or general welfare of the country. Plainly it would seem to be within the right of Congress to regulate commerce by means of duties or imposts in any way that seemed to it calculated to promote the general welfare of the nation. At any rate, such an exercise of power on its part could certainly not be deemed within reason a deliberate and palpable violation of the Constitution. And yet to stop here is not to state the whole case which the South had to urge. Incidental, or even direct, protection of domestic industry by means of tariffs, it might be urged, was one thing; but the adoption of a system which notoriously bore with its whole weight upon a single section of the country was quite a different thing. Such taxation was not uniform in its incidence, neither did it promote the



general welfare. It might even be urged that any selection of specific interests for protection made the constitutionality of the policy doubtful by deliberately making the burdens of taxation unequal. At any rate, it was not easy to answer such objections; a serious doubt could be cast upon protective tariffs by representing them as acts of special legislation such as the Constitution could not have contemplated in connection with the power of laying taxes. Such legislation unquestionably constituted, so far as the South was concerned, a very substantial grievance indeed; and, like other parties with a grievance, the southern party fell back upon the doctrine of state sovereignty.

#### 28. Calhoun and Jackson (1818-1831).

The real leader of the South in its action against the tariff policy of Congress was not Senator Hayne, but the Vice-President, Calhoun. Hayne's speech upon Foot's resolution, though its brilliancy and force were all his own, was recognized as a manifesto of the group of southern statesmen who stood about Calhoun. Possibly it was tentative, meant to try the temper of Congress and of the country with regard to the policy which the southern men were meditating. Their next step was to test the feeling of Jackson. At a great Democratic banquet given on the 13th April, 1830, the birthday of Thomas Jefferson, toasts were proposed which smacked very strongly of state sovereignty. Southern spokesmen responded to them warmly; and then the President, who was of course the principal guest of the occasion, was called upon to volunteer a sentiment. He did so with characteristic directness and emphasis. His toast was, "Our Federal Union: it must be preserved." The South Caro

Hayne's  
function.

Jackson's  
toast.

lina leaders had misjudged their man. General Jackson was in favor of a strict construction of the Constitution and a studied respect for the rights of the States; but he had the quick executive instinct of the soldier. He both knew and relished his duty with regard to the laws of the United States. "Yes," he said to a member of Congress from South Carolina who had called upon him, and who asked him upon leaving whether he had any commands for his friends in South Carolina, "Yes, I have; please give my compliments to my friends in your State, and say to them that if a single drop of blood shall be shed there in opposition to the laws of the United States, I will hang the first man I can lay my hand on engaged in such treasonable conduct, upon the first tree I can reach." The issue was made up so far as the President was concerned: the nullification party knew what to expect from the Executive.

Practical test of the issue was hastened by a personal breach between Jackson and Calhoun. Calhoun had supported Jackson for the presidency; had been elected Vice-President as his friend, and was regarded as his natural successor in the presidency. But his political fortunes, as it turned out, depended upon the personal favor of Jackson, whose individual popularity had created the new Democratic party; and the intriguing rivals of Calhoun presently set facts before the President which caused an immediate breach with Calhoun. Calhoun had been Secretary of War in Monroe's cabinet in 1818, when Jackson, in prosecution of the war against the Seminole Indians, had, after his own thorough and arbitrary manner of conducting warfare, wantonly disregarded the neutral rights of Spain upon the Florida peninsula, and had, besides, hanged two British subjects whom he found among the Indians and suspected of inciting the tribes to

Calhoun's relations with Jackson.

Question of a court-martial.

hostilities against the United States. He had acted in direct disobedience to orders from the War Department, and he had embroiled the government with two neutral powers. When the matter was discussed in the cabinet, Calhoun, as Secretary of War, had naturally proposed that Jackson should be censured for his extraordinary insubordination. But the majority of his colleagues would not brave the universal popularity of the man, or impeach his motives by such an action; and Calhoun was directed to write the insubordinate commander an official letter of thanks and congratulation. In Jackson's mind, with its frontier standards in such matters, no man could be his friend and yet censure his conduct. The attitude of the cabinet towards his course in the Seminole War was a point of special sensitiveness with him, for he knew and resented the fact that his censure had been debated. In 1831 a betrayal of confidence on the part of another member of the cabinet of Monroe informed Jackson of what he had not suspected, Calhoun out of favor. that Mr. Calhoun had favored, had even proposed, the censure. It was in vain that Calhoun protested that he had, nevertheless, been Jackson's personal friend throughout, even while seeking to vindicate his own official authority as head of the War Department. Such a friend Jackson regarded as a traitor. The breach was immediate and final, and Calhoun and his friends were read out of the Jackson party.

#### 29. Reconstruction of the Cabinet (1831).

The quarrel came opportunely for the reconstruction of his cabinet, which Jackson now desired on other grounds, also personal in their nature. Mrs. Eaton. He had not found his cabinet either harmonious or docile. It was not made up of those who were really his confidential advisers. The wives of several of the

secretaries had refused social recognition to Mrs. Eaton, the wife of the Secretary of War, because before her marriage with General Eaton she had not enjoyed an enviable reputation; and the President had warmly taken her part. It was not long since he had lost his own wife, whom he had loved after a tender and knightly fashion. Scandalous things had been said about her, too, most unjustly, and he was in a mood to espouse the cause of any woman whose name was aspersed. The officers of whom he wished in any case to rid himself were either unable or unwilling to command the conduct of their wives towards Mrs. Eaton. It was therefore the more pleasant to dismiss them, Calhoun men and all, and make up his cabinet afresh. Van Buren and Eaton withdrew, to facilitate the process, and during the spring and summer of 1831 the cabinet places were filled with men who were the real forces of the Jackson party: Edward Livingston of Louisiana (Department of State), Louis McLane of Delaware (Treasury), Lewis Cass of Michigan (War), Levi Woodbury of New Hampshire (Navy), and Roger B. Taney of Maryland (Attorney-General). Only Barry of the Post Office was retained. The administration was now organically whole.

A new  
cabinet.

### 30. South Carolina's Protests against the Tariff (1828-1832).

But Calhoun and his friends were at the same time freed from entangling alliances, and left at liberty to pursue their own course without party responsibility. It seemed to men of that day who were watching with suspicion and alarm the movements of the South Carolina party that Calhoun and his friends were hatching a deliberate conspiracy against the Union; but now that the whole of the careers of the men concerned, and the entire history of the measures taken, are

Calhoun's  
motives.

open to scrutiny, it is impossible to justify so harsh a judgment. Men's lives offer strange paradoxes and contradictions, and it is evident now that the most urgent sentiment of Calhoun's heart was love for the Union, in 1831 when he was advocating nullification, no less than in his earlier days in Congress, when he was throwing his whole soul into every project that was liberal and national. But in his mind the Union meant state sovereignty no less than it meant national expansion and united power. His devotion was reserved for the original ideal, as he conceived it; for a Union of free States, not a national government set over subject States. He thought to preserve the Union by checking a course of events which threatened, as it seemed to him, to pervert it from its original and better plan. If he loses his early liberality of view as his years advance, if he grows stern and turns bitter in his moods, if he draws away from questions of national politics to devote himself wholly to the promotion of sectional objects, it is the more pathetic. His career may be pronounced tragical, but it cannot justly be pronounced false. He meant to the last to save the Union, and he died as if with a broken heart when it became evident, even to himself, that he could not save it by the means he had chosen and had deemed right. Webster had certainly been able to prove the doctrine of nullification — the paradoxical doctrine of peaceful and legal disobedience to the law — an absurd and mischievous tenet. It was indeed a desperate and perverse remedy; but it was not dishonestly used by those who proposed it.

In the summer of 1828 Calhoun prepared a careful and elaborate statement of the Theory of nullification for the use of the Legislature of South Carolina, which The "Ex- position." presently adopted and promulgated it as an official manifesto. It became known as the "South Caro-

lina Exposition." It explains the whole attitude of Calhoun and his friends in the most explicit terms, and in terms of evident sincerity. It declares, what was only too true, that there is a permanent dissimilarity of interest between the South and the rest of the Union, because the southern States are "staple States," exclusively devoted to agriculture, and destined always to remain so because of their "soil, climate, habits, and peculiar labor," while the other States of the Union may diversify their industry and their resources as they please. The southern States, in other words, were in the position of a minority, whose advantage could never wholly coincide with the advantage of the majority in respect of the commercial policy of the country. Under such circumstances, the "Exposition" argued, Congress should be the more careful, the more punctilious, to keep strictly within the plain letter of its constitutional powers. And if it should seem to one of the States of the minority that those powers were evidently exceeded in any case, it must be within her privilege to veto the legislation in question, and so suspend its operation so far as she herself was concerned until an amendment to the federal Constitution, specifically granting the power disputed, should have been prepared and accepted by three-fourths of the States. It was nevertheless pronounced by the "Exposition" to be inexpedient to adopt such measures of suspension at once; time ought to be allowed for "further consideration and reflection, in the hope that a returning sense of justice on the part of the majority, when they came to reflect on the wrongs which this and the other staple States have suffered and are suffering, may repeal the obnoxious and unconstitutional Acts, and thereby prevent the necessity of interposing the veto of the State;" especially since it was hoped that the "great political revolution" which was to dis-

place the Adams administration on the following 4th of March, and "bring in an eminent citizen, distinguished for his services to the country and his justice and patriotism," might be "followed up, under his influence, with a complete restoration of the pure principles of our government." When Jackson's words at the Jefferson banquet made it plain that the nullification movement could count upon no sympathy from him, Calhoun prepared and published in one of the newspapers of his State Calhoun's "An Address to the People of South Carolina," dated from Fort Hill, his South Carolina home, July 26, 1831, in which he re-argued the matter of the "Exposition." He dwelt again upon the great dissimilarity and even contrariety of interests which existed between the different parts of the country; he again interpreted the Constitution as being meant to establish an equilibrium of powers between the state and federal governments, — a delicate poise of interests very difficult to maintain; and he spoke with greater boldness than before of the remedy of nullification. Deep feelings were excited in South Carolina and throughout the South; there were many ominous signs of grave discontent; there were even unmistakable signs that nullification was actually to be tried, unless Congress should take steps to remove the tariff grievance.

Almost the entire attention of Congress, therefore, was given to the tariff question during the session of 1831-1832.

Tariff Act of 1832. It was not difficult to make sentiment in favor of changing the tariff law of 1828: it was very generally admitted to be a "tariff of abominations," by reason of its method without principle, its miscellaneous protecting, without regard to any consistent principle of protection. There had been protests against it in the North as well as in the South. Accordingly, in July, 1832, a new tariff measure, passed by very large major

ities, became law. It did away with almost all the "abominations" of the law of 1828. Taken as a whole, it may be said to have sought to effect, substantially, a return to the tariff of 1824. It maintained the principle of protection, but abandoned previous vagaries in applying it. It was to go into effect March 3, 1833.

### 31. Nullification (1832).

It was to the principle of protection, however, rather than to any particular applications of it that the South objected. The revision of 1832 showed that the majority in Congress were willing to see the policy of protection temperately and reasonably employed, but did not give any promise that they would ever consent to abandon it. It rather fixed the policy upon a firmer basis by ridding it of its extravagances. Calhoun immediately took steps to prevent its going into operation. He wrote an elaborate letter to James Hamilton, the governor of South Carolina, dated Fort Hill, August 28, 1832, again setting forth his views on the right of the State to defend her reserved powers against the encroachments of the general government. Once more he stated, with consummate clearness and force, the historical argument for state sovereignty. He maintained that the central government was the agent of the States; that the people of each State were obliged to obey the laws of the Union because their State in joining the Union had established their obligation to do so; but that, as each State had established this obligation for its citizens, it could also declare its extent so far as they were concerned, and that such a declaration would be as binding upon them as the original Act of adherence to the Union. He argued that a declaration on the part of the State defining the extent of its

Continued  
opposition.

Calhoun's  
position.



obligation under the Constitution which it had accepted, might be made by a convention of the people; that such a declaration would be similar to the Act by which the State had entered the Union, of like solemnity, and as much a part of her fundamental law; and he could find nothing in the Constitution which could warrant the federal government in coercing a State for any purpose or in any manner whatever. Nullification, he insisted, was not, as some contended, the same thing as secession. "Secession is a withdrawal from the Union, . . . a dissolution of the partnership;" "nullification, on the contrary, presupposes the relation of principal and agent, . . . and is simply a declaration, made in due form, that an act of the agent transcending his power is null and void." He thought the one power as logical a deduction from the premises of state sovereignty as the other. The only majority which could, he conceived, under our federal system, avail to overcome the opposition of a State to the exercise of the contested power was the majority which could amend the Constitution: that majority, and not the majority of Congress, could override nullification, by the process of amendment, inasmuch as the Union was a confederation of interests, not a mere combination of individuals. Our system was meant to fortify the constitution-making power against the law-making.

In the minds of the public men of South Carolina this letter was conclusive, not only as to what ought to be held, but also as to what ought to be done. The State Legislature came together in October and formally called a convention for the following month. The convention was immediately chosen, and convened in Columbia on November 19. On November 24 it passed an ordinance of nullification, which declared the Tariff Acts of 1828 and 1832 null and void and without

force within the jurisdiction of South Carolina; prohibited the payment of duties under those laws within the State after the first day of the following February; forbade, under penalties, appeals upon the questions involved to the courts of the United States; and declared that any attempt on the part of the federal government to enforce the nullified laws in South Carolina would sever the State's connection with the Union and force her to organize a separate government. Meantime (November 6) Jackson had sent instructions to the collector of the port of Charleston to collect the duties at all hazards, if necessary by the use of force, — as much force as might be needed. When the convention promulgated its ordin-

ance, he issued a proclamation (December 11),  
 Jackson's  
 proclamation.

couched in terms characteristically direct and vehement. It argued the manifest practical difficulties of the doctrine of nullification, and very firmly denounced it as "incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed." He exhorted the people of South Carolina to yield, but he offered no compromise. "The laws of the United States," declared the President, "must be executed. I have no discretionary power on the subject, — my duty is emphatically pronounced in the Constitution. Those who told you that you might peacefully prevent their execution deceived you. . . . Their object is disunion, and disunion by armed force is treason." The state authorities, nevertheless, did not flinch even in the face of this ominous proclamation. A new legislature, in which the nullifiers had secured an overwhelming majority, met in Columbia the same month, and called Mr. Hayne from the Senate to assume the governorship of

South Caro-  
 lina defiant.

the State; and one of the first acts of the new governor was to issue a proclamation of his own, denouncing the utterance of the President, and calling upon the people of the State to stand firm in their opposition to its pernicious doctrines. During these transactions Calhoun resigned the office of Vice-President to accept Hayne's vacated seat upon the floor of the Senate. He must be in the arena itself, where part of the battle was to be fought.

### 32. The Presidential Election of 1832.

In the mean time there had been a new presidential election; the President had "taken the sense of the country," and regarded the result as a triumph both for himself and for his avowed principles of government. This election is notable for several reasons. It marks the beginning of the system of national nominating conventions; it gave Jackson a second term of office, in which he was to display his peculiar qualities more conspicuously than ever; it compacted and gave distinct character to the new Democratic party; and it practically settled directly the fate of the Bank of the United States, and indirectly the question of nullification. Jackson was easily re-elected, for he had established a great popularity, and the opposition was divided.

A new party came into the field, and marked its advent by originating the national nominating convention.

This was the Anti-Masonic party. In 1826 one William Morgan, who had ventured to make public the secrets of the Masonic order, was abducted, and, it was alleged, murdered. The event created great excitement, and led, singularly enough, to the formation of a political party whose first tenet was the duty of excluding Freemasons from public office.

Importance  
of the elec-  
tion.

A national  
nominating  
convention.

This party spread so rapidly that within four years it assumed something like the proportions of a national organization. By September, 1831, it was able to muster a national nominating convention, in which more than half the States were represented. This convention put in nomination William Wirt of Virginia, formerly Attorney-General. The National Republicans, following suit, met in a similar convention in December of the same year, and by unanimous vote nominated Henry Clay of Kentucky, already once before Jackson's rival for the presidency. A "national assembly of young men" also met in Washington in May, 1832, at the suggestion of members of the Clay party, to indorse the National Republican nominations, and to add another point to subsequent practice by adopting a set of formal resolutions defining its position on the issues of the campaign, "the first platform ever adopted

<sup>The first</sup> "platform." by a national convention." These resolutions denounced Jackson for most of the acts of his administration; declared that the Supreme Court of the United States (rather than the President, or the leading public men in South Carolina) was the proper tribunal "for deciding in the last resort all questions arising under the Constitution and laws of the United States;" and favored the policy of protection. The Democrats, in their turn, also held a convention in May, 1832, without hesitation renominated Jackson for the presidency, and, with considerably less spontaneity, Martin Van Buren for the vice-presidency. Mr. Van Buren was Jackson's

<sup>Van Buren.</sup> choice for the office, and it was Jackson's preference that forced him upon the party, many of whose members would have been glad to have some one else. Calhoun had fallen out from the line of succession since his breach with the President; his position at the time with reference to nullification practically severed his connection with parties altogether.

The result of the election was decisive. The electoral votes of all the southern States even, except those of South Carolina and five out of the eight votes of Maryland, were cast for Jackson, whose total was 219. Only 49 votes were cast for Clay; South Carolina threw away her eleven votes on John Floyd of Virginia; and Vermont alone was carried by the Anti-Masons.

Upon Jackson, with his somewhat Napoleonic instincts, the election acted like the tonic of a favorable *plébiscite*.

**Significance of the result.** He was incapable of entertaining any purpose to overthrow the Constitution, or even to act in contravention of its provisions; but he did claim the right to read and interpret that instrument for himself, without the assistance either of the courts or of the leaders of politics; and he took his second election to mean that the people gave him *carte blanche* to act as their representative, on that theory. The chief issue of the election had been the question of the re-charter of the Bank of the United States, — a question which we shall presently discuss. — The tariff question had entered only in a subordinate degree, for Jackson was not fully committed with regard to it, and the nullification troubles had not come to a head until too late to affect the vote materially. It was Jackson's immense popularity, the divisions among his opponents, his successes, and their lack of unity that determined the result. But Jackson made no close analysis of the result. He was heartened by the

**Effect upon Jackson.** consciousness that he had been such a President as the people liked and were ready to support. It was probably this feeling that contributed to give its clear ring of determination to the proclamation which he issued against the nullifiers in December. In January he asked Congress for special powers to enforce the revenue laws. He wished to be authorized to alter

revenue districts as he thought best, to change the locality of custom houses when necessary, and to use the land and naval forces of the government to prevent unlawful interference with the powers of collectors. There was evident need that such powers should be conferred upon the Executive, for the legislature of South Carolina, after electing Hayne governor, had passed Acts practically resuming some of the powers expressly withheld from the States by the federal Constitution, and had taken steps to put the State in a condition of military preparation against the time of federal action in February. A bill to enforce the tariff laws was therefore introduced into Congress in response to the President's request, and became known as the "Force Bill."

### 33. *Compromise and Reconciliation (1832, 1833).*

While the employment of force was proposed, however, conciliation also was attempted, — at the suggestion of Verplanck's the administration itself. The Secretary of tariff bill. the Treasury had recommended in his annual report that the duties be lowered to the revenue standard, and on December 27 Mr. Verplanck, chairman of the Committee of Ways and Means, had reported to the House a bill meant to effect a return to the tariff of 1816. The protectionists of the House, however, subjected the measure to a raking fire of debate and amendment which very soon disfigured it beyond recognition, and which delayed final action upon it until within two weeks of the end of the session. The Senate did not wait for the action of the House. On February 12, Mr. Clay introduced a compromise measure in the Senate, Clay's com- intended at once to save the principle of promise. protection and to stave off civil difficulties. Taking the tariff of 1832 as a basis, it provided that all duties which,

under the provisions of that tariff, exceeded twenty per cent should be reduced by one tenth of that excess on the 1st of January, 1834, and of each alternate year till 1840, and that then, on the 1st of January, 1842, one half of the remaining excess should be taken off, and on the 1st of July, 1842, the other half, so that after the first day of July, 1842, there should be a uniform duty of twenty per cent on all articles. South Carolina had early given notice that such an horizontal rate was the least concession that would satisfy her. To Mr. Clay's measure, after a little hesitation, all parties assented. On February 26 the House dropped its own bill and took up the Senate measure, which it speedily passed. Passing the Senate also, the bill became law on March 2, 1833, the day before the tariff law of 1832 was to have gone into effect. The "Force Bill" became law one day earlier, on the first of March.

What had been happening in South Carolina in the mean time? The nullification ordinance was to have gone into effect on the first of February. It had unquestionably been intended, however, to force, not war, but concession; and it would have been in the highest degree unwise and maladroit to attempt to put it forcibly into operation while Congress was actually debating concession. Virginia, moreover, when she saw preparations a-making for actual conflict between South Carolina and the federal authorities, had undertaken the part of mediator. Her legislature passed resolutions which reiterated the principles of the celebrated Resolutions of 1798, — while expressing the opinion that those principles sanctioned neither the action of South Carolina nor the proclamation of the President, — and which begged South Carolina at least to suspend her ordinance until after the close of the session of Congress. But the convention which had passed the ordi-

Suspension  
of the ordi-  
nance.

er nance had dispersed, and no power existed which, under the theory of nullification, was authorized to repeal it. Under such circumstances, since nothing regular could be done, something very irregular was resolved upon, which no conceivable theory of constitutional law could justify, but which prudence and practical wisdom nevertheless demanded. Governor Hayne replied to the overtures of Virginia that the ordinance would be suspended by common consent, and a private meeting of leading public men was held in Charleston late in January, which declared the ordinance suspended until Congress should adjourn. The federal officers collected the duties after the first day of February as before. On March 11, the nullification convention reassembled at the call of the governor, and, reciting the concessions of Congress, <sup>Repeal of the ordinance.</sup> repealed the ordinance nullifying the tariff laws. At the same time, however, it passed another ordinance nullifying the Force Bill, which there was then no longer any reason for putting into operation.

The outcome of the matter could not be wholly satisfactory to either party. South Carolina had obtained the concessions which she had demanded; but the Force Bill was still unrepealed, and stood as a flat denial of the whole principle for which the nullifiers had contended. The federal authorities had collected the revenue at the ports of South Carolina, and enforced the law which she <sup>The result.</sup> had attempted to nullify; but then they had immediately withdrawn that law and acceded to the State's demands. Nullification had succeeded in its immediate practical object by getting rid of the laws at which it had been aimed; but it had failed in the much greater matter of establishing itself as an acknowledged principle. What is most striking in the whole affair for the student of institutions is, that it gave to the practical politics of an English people a theoretical cast such as



the politics of no English community had ever worn before. Practical considerations, hitherto conclusive in all matters of English development, were now for the first time compelled to contest their right with refined theories of government; had a cunning net of logical inference from a written document thrown about them by a master of logic, and were bidden to extricate themselves without breaking the net.

## CHAPTER III.

## THE BANK QUESTION (1829-1837).

34. *The Bank of the United States (1789-1816).*

THE re-election of Jackson in 1832 sealed the fate of the Bank of the United States, and ultimately resulted in a complete revolution in the fiscal policy of the government. The Constitution may be said to have been in large part created by a fiscal question. Tariff wars between the States and the dangers of an unsound currency had been prominent among the causes which led to the formation of a strengthened federal government in 1789. One of the chief objects of those who advocated and framed the new government was to create an authority which could supply the country with a safe currency (Formation of the Union, § 53). The Congress of the Confederation and the governments of the States had demoralized commerce and industry by unlimited issues of irredeemable paper money, and the Constitution of 1787 was meant to secure the country against like folly in the future. It vested in Congress alone the power to coin money and regulate the value of coin; it explicitly forbade the States to emit bills of credit; and it nowhere granted the power to emit such bills to Congress. A proposition to confer that power upon Congress had been defeated in the constitutional convention by a heavy majority. There remained, however, a device for issuing paper money. It was promptly held by the courts that this power, which the States could not directly exercise, they could exercise

indirectly through the instrumentality of banks. While state legislatures could not vote government issues, they could incorporate banks and authorize them, as joint-stock companies, to issue paper in any amount they chose, without restriction or safeguard, and that even when the State itself arranged to become the chief or only stockholder. The only way in which the federal government could check such operations, apparently, was by going into the field of competition itself and dominating unsound state banks by means of a sound national bank whose issues would be extensive and accepted with confidence.

The first Bank of the United States had been established, at the suggestion of Hamilton, for several purposes: not only in order to furnish the country with at least one sound and stable currency, but also in order to serve as the fiscal agent of the government in handling its revenues and floating its loans, and in order to interest men with money in the new federal government (Formation of the Union, § 78). That it did act as a check upon the less reliable state banks is made sufficiently manifest by the opposition offered to the renewal of its twenty-year charter, which expired in 1811. After experiencing for five years, however, the combined financial effects of war and state banking, the country was glad to see a second Bank of the United States chartered in 1816 (Formation of the Union, § 120).

### 35. Constitutionality of the Bank (1789-1819).

The constitutionality of a bank chartered by Congress had early been called in question. Where, it was asked, did Congress, exercising only specified powers, get the authority to grant charters? And, even if it could grant charters, whence did it derive the right to charter a bank

and give to it the handling of the national revenues? The Constitution gave to Congress the power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; the power to borrow money on the credit of the United States; and the power to coin money and regulate the value of both foreign and domestic coin. But how, from any one of these powers, or from all of them put together, could it argue its right to create a great semi-governmental bank? The last clause of the article of the Constitution conferring powers upon Congress did indeed say that Congress might make "all laws which should be necessary and proper for carrying into execution the foregoing powers;" but could this bank be said to be both necessary and proper for carrying into execution the limited fiscal functions of the federal government? Washington had thought these

**Early views.**

questions worthy of consideration before signing the bill which created the first national bank in 1791, and had obtained careful written opinions from Hamilton and Jefferson. Hamilton had argued strongly in favor of the constitutionality of the bank, Jefferson as strongly against it; but Washington had accepted the reasoning of Hamilton (Formation of the Union, § 78), and in 1819

the Supreme Court of the United States, in the leading case of *McCulloch vs. Maryland*,

sustained the Act creating the second Bank of the United States upon substantially the same grounds that Hamilton had urged (Formation of the Union, § 125). It held that, while it was true that the government of the United States was a government of specified powers only, it must nevertheless be deemed to be sovereign within the sphere assigned to it by the Constitution; that the powers granted must be taken to include every privilege incidental to their exercise, the choice of

**Decision of  
the Supreme  
Court.**

the means by which the ends of the government were to be reached lying in every case within the discretion of Congress, and not being subject to be restrained by the courts. The Bank had been chartered as a fiscal agent of the government: whether the creation of such an agency was necessary and proper to the exercise of its fiscal functions it was for Congress, not for the courts, to judge. A "sound construction of the Constitution must allow to the national legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it, in the manner most beneficial to the people."

### 36. Jackson's Hostility to the Bank (1829, 1830).

Such a decision was of course conclusive of all legal controversy. But it had not by any means satisfied all <sup>Opposition</sup> minds. Many still dreaded the effects of the <sup>to the Bank.</sup> exercise of such powers by Congress, even when they did not doubt their constitutionality. They dreaded the power of this great corporation which the federal government had set up to dominate the money transactions of the country. Jackson was of the number of those who felt uneasy about the influence of the Bank. Moreover, he never considered any question settled merely because the Supreme Court had passed upon it. He did not, therefore, hesitate to speak of the Bank in disparaging terms of covert hostility in the very first message he sent to Congress. The charter of the Bank was not to expire until 1836, and the term of office for which Jackson had been elected when he wrote the message of December, 1829, was to end in 1833. It was singular that he should call the attention of Congress to a matter with the final settlement of which he might have

nothing to do. But delicacy did not weigh with Jackson any more than the judgments of the Supreme Court. He attacked the Bank at once, and the terms in which he

did so deserve transcription as a suitable text  
 First attack. for the controversies that were to follow.

“The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy in a measure involving such important principles and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the deliberate consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this Bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency. Under these circumstances, if such an instrument is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature whether a national one, founded upon the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties, and at the same time secure all the advantages to the government and the country that were expected to result from the present Bank.” These sentences forecast a great deal that was to follow. There was more feeling and determination back of them, they were spoken with much more definiteness of purpose, than appeared upon their smooth surface. Congress at first attached no importance to these utterances of the President; but again and again, in subsequent messages, Jackson returned to the subject, his language becoming constantly more and more explicit in its hostility, until at length decisive measures of self-defence were forced upon the friends of the Bank.

Jackson's feelings towards the Bank were compounded of many elements, and it is impossible to assign to these their relative importance in shaping his purposes. His declaration that the Bank had failed to establish a sound currency was notoriously without reasonable foundation. Every observant man was convinced that the Bank had gone far towards accomplishing that very object. But he hit upon a very widespread sentiment, and so was upon firmer ground, when, at a later stage of the controversy, he stigmatized the Bank as an "un-American monopoly."

### 37. History of Banking in the United States (1783-1829).

The history of banking corporations in the United States has shown the power of economic errors to perpetuate themselves when they happen to fall in with certain democratic notions entertained by the masses of the people. The debtor class in all parts of the country, and all classes in the newer settlements, had a marked partiality for paper money. Abundant money, even if unsound, seemed to furnish the capital which the newer communities so much needed for their development. The control which the possession of real capital gave those who possessed it over the fortunes of those who needed it was hated as the "money power." That shrewd capital should be able to make its own hard terms with the plain and earnest men who were seeking to get at the riches of the new continent, but lacked the means necessary to supplement their muscle, seemed a grinding monopoly, essentially undemocratic, because enjoyed by very few persons. It was a delightful, even if a delusive, discovery, therefore, that by authorizing certain individuals to issue their promises to pay, you could create the means of buying cattle and ploughs and

seed without awaiting the slow accumulation of superabundant, loanable wealth; and it seemed a great hardship that the usefulness of this discovery should be hampered by the setting up of a great corporation by the federal government possessing such resources and power as to be able to discredit and embarrass local banks in carrying out their beneficent function of distributing fictitious and prospective wealth.

Moreover, there was a grave element of party politics in the whole question. The chartering of banks, during all the earlier history of the country, was effected exclusively by direct act of legislature. It was not open to every one to obtain a charter, — that was a political privilege which would be bestowed only by favor; and many state legislatures were in the habit of conferring banking powers only upon the party friends of the majority. The persons thus favored, having received their charters as a political trust, employed the privileges enjoyed under them in a partisan spirit, granted accommodations much more readily and on much easier terms to fellow partisans than to adherents of the opposite party, — willing to prove themselves worthy of the confidence their friends in the legislature had reposed in them. Such practices had been common enough to generate an atmosphere of suspicion. Partisan banking was expected; a sort of presumption was created that corrupt influences tainted the whole system of charters and privileges of issue. There seems unquestionably to have been a widespread feeling of jealousy and suspicion, accordingly, in the minds of the people with regard to the Bank of the United States; at any rate, a widespread readiness to suspect and be jealous, both because the national Bank was known to check the operations of the state banks, and because it was taken almost for granted that it would use the great



power which it possessed for political purposes, — to control elections, when necessary, in its own interest, and to buy the favor of influential public men.

### 38. **The Branch Bank at Portsmouth (1829).**

These were impressions which Jackson seems to have shared in some degree from the first, though probably they did not take clear shape in his mind until his hostility to the Bank was otherwise aroused. His purposeful convictions about the Bank were formed during the first summer of his presidency, the summer of 1829. It was then that what seemed to him a clear case of improper political motive in the management of the Bank was brought to his notice. Isaac Hill and Levi Woodbury were Jackson leaders in New Hampshire. They had won the State over to the Jackson interest. Woodbury entered the Senate, and Hill left his newspaper and his state bank at Concord to enter the "Kitchen Cabinet." It was matter of deep chagrin to them that Jeremiah Mason, Webster's friend and their own most formidable opponent, an earnest and eloquent man of the ancient Federalist faith, should have been made president of the branch of the Bank of the United States at Portsmouth, with financial power in their State, and that he should distress some of their friends by insisting upon strict business methods, to the discouragement of all special pecuniary favors to anybody. In the summer of 1829 Woodbury wrote to Ingham, Secretary of the Treasury, making

Hill and Mason.      Complaints against Mason.

complaints of Mason, as not only harsh in his administration of the Bank, but guilty of partiality also in making loans and insisting upon collections. He could not specifically charge, but he wished to insinuate, political motives and partialities. At about the same time Amos Kendall repeated to the Secretary

certain rumors which had reached his ears of an improper use of money by officers of the Bank in Kentucky to influence the election of 1825 in that State.

The Secretary wrote to Mr. Nicholas Biddle, the president of the Bank of the United States, and called his attention to the charges which had been made against Mason, assuming a tone which implied that the Bank was in some way responsible to the administration in all its affairs. His letter seemed to take it for granted that Mr. Mason had been appointed because of his political views, — because, in short, the Bank was hostile to the Jackson interest in New Hampshire. It intimated that the theory upon which the Bank was understood to have been founded, and upon which it was now thought to be managed, was that the “arm of wealth” ought to be strengthened, in order to “counterpoise the influence of extended suffrage in the disposition of public affairs,” and that the only way in which to remove the suspicion that this was the theory and policy of the institution was to make choice of its officers from both national parties, without discrimination. Mr.

**Ingham's criticisms.** Biddle replied with natural indignation, refuting the charges against Mason, asserting the perfectly non-partisan character of the administration of the Bank, and declaring, courteously but warmly, that, being non-partisan, it recognized no political responsibility either to the Secretary of the Treasury or to any one else. But his indignation, however natural, was impolitic; it savored too much of defiance and contempt to suit the temper of a Jackson administration. The Secretary startled Mr. Biddle by reminding him that it was within the privilege of the Secretary of the Treasury to remove the deposits of public money from the Bank; and the contents of the President's first message indicated the impression that had been made upon him

**Biddle's defence.**

**39. Constitution of the Bank (1816-1832).**

Charges of all sorts began to be heaped up against the Bank; and although they were, almost without exception, again and again wholly disproved, they told at last against its reputation among the people at large by mere force of reiteration. During the first two years of the history of the Bank there had been gross mismanagement, which had disgusted even those who had voted for its charter; but by 1829 these early errors had been long ago corrected, and the Bank had established such a reputation for safe business methods that its only enemies were those who were jealous of its business privileges, or those who wished in vain to bring it to their assistance in politics. Its constitution made its connection with the federal government quite close. The federal Treasury had subscribed seven millions to its capital stock of thirty-five millions; its other stockholders were privileged to make up three-fourths of their subscriptions in United States stock; five of its twenty-five directors were appointed by the President; and it was the depository of the public funds. In return for these privileges the Bank had paid a million and a half dollars, and agreed to negotiate the loans of the government free of charge. No other bank, its charter promised, was to be established by Congress during the twenty years that charter was to run. The Secretary of the Treasury was authorized to withdraw the public moneys from the Bank in case he deemed it necessary to do so at any time, stating his reasons for his action to Congress at its next session. It was privileged to issue circulating notes, and these notes were made receivable for all dues to the United States; but it was obliged by law to redeem its notes in specie on demand. The obligations of this

Management  
of the Bank.

Connection  
with the  
government.

charter it had kept; but in the eyes of the Jackson managers it was too closely connected with the government to be kept out of politics. It had too much at stake: if it was not active for the administration, it must, they argued, be active against it.

#### 40. The Fight for Re-charter (1832).

Just before the political campaign of 1832 the administration seemed for a moment to relent in its pursuit of the Bank: McLane, who had taken Ingham's place at the Treasury Department after the breach between Jackson and Calhoun, made a report to Congress in December, 1831, in which he strongly favored the Bank, and it began to look as if the administration were going, for a season at least, to let the bank question drop. But Clay was not wise enough to let this happen.

He thought that he saw in the bank controversy a capital means of putting Jackson in the wrong in the eyes of the country, and defeating him in the election. The Whigs, at Clay's suggestion, made their advocacy of the Bank prominent in the address which they issued to the people in

making their nominations in December, 1831, and, upon Clay's urgent advice, the friends of the Bank applied to Congress for a renewal of its charter during the session of Congress immediately preceding the campaign. A bill renewing the charter passed the Senate in June, 1832, by a vote of 28 to 20, and the House in July by a vote of 109 to 76. Jackson vetoed it in "a message of great ability, which was mainly

devoted to proving the Bank, as then constituted, to be an unnecessary, useless, expensive, un-American monopoly, always hostile to the interests of the people, and possibly dangerous to the government as well." The majorities for the bill in Con-

A lull in the attack.

Charter bill passes Congress.

The veto.

gress were not large enough to pass it over the veto, and the two parties "went to the country" to obtain its verdict in the elections of November, 1832.

#### 41. Removal of the Deposits (1832-1833).

The result showed the folly of which Clay had been guilty in supposing that respect for a great and useful moneyed corporation would be as universal or as powerful a motive among the voters as appreciation of General Jackson, the man of the people. It was madness to stake the existence of a great bank on the popular vote. When the result was known, Jackson of course interpreted it to mean that he had a commission from the people to destroy the Bank; and he almost immediately proceeded to destroy it. In his message of December, 1832, to the Congress which had attempted to re-charter the Bank, he intimated grave doubts as to its solvency, which nobody had yet dreamed of doubting, and suggested that its affairs ought to be investigated by Congress, especially for the purpose of ascertaining whether the deposits of the United States ought to be allowed to remain in it, in view of its disordered and perhaps precarious condition. The House decided, by a very large majority, that the deposits were safe. But the President was convinced that the Bank had gone into politics in the campaign of 1832, if never before, and that the public funds were not safe in the hands of the managers of "an electioneering machine." He determined to take the responsibility of withdrawing them. In May, 1833, he appointed Livingston, the Secretary of State, minister to France, transferred McLane, a friend of the Bank, to the State Department, and appointed William J. Duane of Pennsylvania, an opponent of the Bank, Secretary of the Treasury. It was necessary that

he should get a Secretary of the Treasury who would serve him in the business, for the law had conferred the authority to remove the deposits, not upon

Removal  
of the Sec-  
retaries.

the President, but upon the Secretary of the Treasury, and had made him directly responsi-

ble for the exercise of it to Congress. The new Secretary, however, did not prove a pliant instrument; when requested to order the removal he declined, and made an earnest protest against the policy. He did not believe that the President ought to act in a matter of so great importance without first obtaining the assent of Congress to the action he proposed to take; and he saw that the sudden removal of the government deposits might cause a serious disturbance in the money market and jeopard important business interests. From no one, indeed, whose opinion was worth taking did Jackson receive the least encouragement to take the step he was contemplating. But his mind was made up, and that

"Paper  
read to the  
cabinet."

was the end of the matter. In September he informed the cabinet that the removal of the

deposits had been irrevocably determined upon, that it was his own decision, should be his own act, and he would take the responsibility. Duane declined to make way for the carrying out of the design by resigning; Jackson therefore dismissed him, and put in his place the Attorney-General, Roger B. Taney of Maryland, who was known to assent to the President's plan. Almost immediately an order issued from the Treasury directing that the nearly ten millions of public money then in the Bank of the United States should be gradually drawn upon, as usual, to meet the expenses of the government, but that no more should be deposited. Certain state banks were selected instead as depositories of the revenues. The Bank of the United States was at once compelled to curtail its loans, to enable it to bear

the drain, and there was distress, almost a panic, in the money market.

When Congress met in December, 1833, the President frankly explained why this extraordinary step had been taken. He declared that he had received from Jackson's reasons. the government directors of the Bank "an official report, establishing beyond question that this great and powerful institution had been actively engaged in attempting to influence the elections of the public officers by means of its money; and that, in violation of the express provisions of its charter, it had by a formal resolution placed its funds at the disposition of its president, to be employed in sustaining the political power of the Bank." It seemed to him that "the question was distinctly presented whether the people of the United States are to govern through representatives chosen by their unbiassed suffrages, or whether the power and money of a great corporation are to be secretly exerted to influence their judgment and control their decisions." In everything that the Bank did, even in its curtailment of its loans to meet the withdrawal of the funds of the government, he saw nothing but trickery and a struggle for illegitimate power. It seems clear, too, that these were his real convictions. Probably there was now at last some truth in the charges he made against the Bank. Although it was not the monster he pictured it, it had unquestionably gone into politics; it had spent money in the elections, liberally, though probably not corruptly. Clay had destroyed it by forcing it to stake its life upon a political campaign, and so justify its enemies in their opinion of it. The Bank had submitted to a vote, and the vote had gone against it: that was the Jacksonian logic. It was the same doctrine of popular sovereignty with which the Jackson party had started out upon its career.

## 42. Censure and Protest (1833, 1834).

The House of Representatives to which Jackson explained his motives in directing the removal of the deposits was the House which had been elected in 1832, and in it his party possessed a decided majority. It approved his action, of course. Not so with the Senate. There his opponents controlled the majority, and were led by the best talent of the country; and there Mr. Clay introduced resolutions censuring the President for dismissing a Secretary of the Treasury for refusing to act contrary to his sense of duty; and attacking the new Secretary for removing the deposits for reasons "unsatisfactory and insufficient."

Jackson would by no means submit to a public rebuke. He sent to the Senate a protest against its resolutions which constitutes one of the most remarkable documents in the public records of the country. Taken in connection with the message of July, 1832, vetoing the bill which granted a renewal of the charter of the Bank, it furnishes a complete exposition of the Jacksonian theory of the government. The veto message had declared that the President was not bound in his judgment of what was or was not constitutional either by precedent or by the decisions of the Supreme Court. "Mere precedent," it said, "is a dangerous source of authority, and should not be regarded as deciding questions of constitutional power except where the acquiescence of the people and the States can be considered as well settled." Congress, it showed, had itself wavered in its view of the matter, and the state legislatures were probably "as four to one" against the Bank. "The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges; and, on that point, the President is

Clay's resolutions.  
Jackson's reply.

Jacksonian doctrine.



independent of both." The decisions of the Supreme Court must be permitted "to have only such influence as the force of their reasoning may deserve." The protest added that it was not within the constitutional privilege of one of the Houses of Congress to condemn the President in any manner except by the process of impeachment; that the President, not the Secretaries, constituted the executive of the United States; and that the President — at any rate the President now in office — was the direct representative of the people, their organ, spokesman, and embodiment. Such was Jackson's construction of the Constitution.

Two years later the friends of General Jackson commanded a majority in the Senate, and on January 16, 1837, the resolutions of censure were expunged from the journal of that body.

The Bank of the United States quietly arranged its affairs against the expiration of its national charter, Expiration of charter. obtained a charter as a state bank from the legislature of Pennsylvania, and passed for the time out of general view.

#### 43. Diplomatic Successes (1829-1831).

Perhaps the most satisfactory part of Jackson's record as President is to be found in his settlement of two interesting and important questions affecting the foreign relations of the country. Guided by Van Buren in matters which required delicacy, he exhibited the same initiative and energy in diplomacy that characterized him in dealing with questions of domestic policy.

Trade with the West India Islands had seemed ever since colonial times the natural and rightful outlet of our commerce; but when the States ceased to be colonies they parted with the privileges as well as with the disadvantage

of belonging to the British Empire, and began to be excluded from their former free intercourse with neighboring British possessions. (Formation of the ~~West India trade~~ Union, §§ 47, 56, 63.) Until 1825 England kept steadily to her policy of favoring her own ships in trade with all her colonial ports, and laying all manner of restrictions upon ships of other nations, and there seemed no hope of ever breaking down her exclusive navigation system. The only thing that could be done, according to the notions of the time in such matters, was done: countervailing restrictions were laid upon English ships in their trade with American ports. In 1825, however, under the influence of Huskisson, England offered to open her ports and the ports of her colonies to the vessels of any nation that would open her own ports to English vessels, upon the same terms that should be extended to the latter. The offer was to be left open for one year. Congress did not take advantage of it; and when Gallatin, for the Adams administration, proposed, after the close of the period, to negotiate the question of the trade relationships between the two countries, England declined. Jackson saw the value of the West India trade to the United States, and he saw the only means of securing it. He moved towards his object with his usual directness. He sent McLane to England to say that the Adams administration had been rejected by the American people; that the new administration was of a new mind; that the United States would repeal all her own restrictions upon the carrying trade of England if England would remove hers upon the carrying trade of the United States to the West India ports. Congress, the while (May 29, 1830), passed an Act to the same effect. Lord Aberdeen said that that was all that England had ever demanded, and the affair was settled.

The other question arose out of the claims of the

United States upon France for depredations upon American commerce during the Napoleonic wars, known as the French spoliation claims. These Jackson undertook to press, and circumstances favored the success of the negotiations which he set on foot. 1830 witnessed a revolution in France, the elevation of Louis Philippe to the throne, and the establishment of a constitutional government. The claims of the United States this government recognized as just, and it was agreed that they should be paid. The United States had claims also against other European powers for injuries done citizens of the Union during the same period, and these too were liquidated through the efforts of the Jackson administration.

These successes gained for Jackson great credit with the country, for they not only obtained money and commercial advantage, but also maintained the dignity of the government, which foreign powers had hitherto never shown themselves very prompt to respect. Whenever directness and energy could succeed, Jackson was sure of success; and he certainly deserves credit in these transactions for a clear perception of what ought to be done and a straightforward confidence in doing it, even when it took the un-Jacksonian form of asking favors.

#### 44. Distribution of the Surplus (1833-1836).

Whatever may be said of Jackson's charges against the Bank of the United States or of his method of effecting its ruin, it was probably a wise instinct that led him to destroy it. The country was on the eve of a great industrial development, when business was to enter upon a period of unparalleled expansion, and when a new force of speculative adventure was to hurry men beyond all rational reckonings, and make

enterprise often as unwise as it was eager. In such a period, with such an atmosphere, when prudence could scarcely anywhere keep its head, it would have been indeed perilous to leave so great, so dominating a financial power in the hands of a giant private corporation like the Bank of the United States.

On the other hand, however, it could do nothing but harm to destroy such an institution suddenly, with an ignorant and almost brutal disregard of the damage that would thereby be done to the delicate fabric of commercial credit. If it was the right thing to do, Jackson did it in the worst possible way. The effect of it was to produce at once and of a sudden, and to leave without check or guidance of any kind, the very madness of speculation and of bubble banking that the great presiding bank might in some measure have moderated and restrained.

No sooner had the policy of withholding the federal deposits from the Bank of the United States been determined upon than every circumstance, whether good or bad in itself, seemed to conspire with every other to precipitate a financial crisis. Even the paying off of the national debt indirectly contributed to that result. By the close of the year 1835 all the obligations of the Federal Government had been paid, and it was entirely free from debt. At once the question arose, What is to be done with the surplus revenue? The receipts of the government could not very well be reduced, because they came chiefly from the customs duties, and the customs duties were levied under the compromise Tariff Act of 1833, which was a pledge of peace between parties and could not in good faith be touched. The proposal which found most favor under the circumstances was, that the surplus should be distributed among the States. Accordingly, in June, 1836, an Act was

Danger from  
destroying  
the Bank.

Surplus.

passed which provided that on and after January 1st, 1837, all surplus funds remaining in the Treasury in excess of \$5,000,000 should be distributed in quarterly payments to the States. There were known to be scruples in some quarters about making direct gifts in aid to the States, and in these scruples the President was known to share. The distribution was declared by the Act, therefore, to be of the nature of loans to the States, though without interest, to be recalled at the pleasure of Congress. Jackson signed the bill, and three quarterly payments were made under it, the total sum distributed amounting to \$28,000,000. After that, as it turned out, there was no surplus to distribute. Reckless speculation brought fatal disaster, and the government suffered with the country.

#### 45. The "Pet Banks" (1833-1836).

When the deposits of the federal government were withdrawn from the Bank of the United States, the Treasury Department selected certain state banks to take the place of the "monster" corporation as custodians of the funds. These the political slang of the time promptly dubbed the "pet banks." They were chosen, evidently, not according to any criterion of soundness, but on the principle which had hitherto been followed in the States in the granting of bank charters, the principle, namely, of party fidelity. The deposits were placed with Democratic banks in the South and West, — where there was either little capital and a good deal of speculation, or no capital at all and a vast deal of speculation, — rather than with "Whig banks" in the North and East. There followed, of course, eager, even bitter, competition on the part of Democratic bankers everywhere for admission to the select

company of custodians. All sorts of influences were brought to bear, and all sorts of influences were successful in swelling the number of favored depositories.

Stimulated not a little by such chances of lucrative favors from the government, and given almost a clear field by the destruction of the Bank of the

**Multiplication of banks of issue.** United States at a time when enterprise was

in all parts of the country assuming a new boldness and adventuring a new magnitude of plan, a passion for the establishment of banks of issue manifested itself everywhere. ~~Charters were granted wholesale by the States, without deliberation or prudence, and without effort to effect any system or exercise any control.~~ Hundreds of banks, with no capital at all, issued their notes as boldly and as freely as the few banks that had real resources and tried to keep a specie reserve. Even while the Bank of the United States continued to exercise a certain presidency and control in such matters, the aggregate circulation of the state banks had been several times greater than its own; and now that the influence and power of the great bank were withdrawn, the volume of bank paper swelled to a portentous bulk.

#### 46. Inflation (1833-1836).

Speculation of every sort, and particularly of every unsound sort, received an immense impetus. Money

**Effect of government deposits.** was abundant and, inasmuch as it did not represent capital, was easy to obtain. The

Treasury chose its depositories, not where money was needed for legitimate purposes or could be used to the best advantage, but where there were faithful Democratic bankers; and those who received it felt bound to find borrowers who would use it. The paper notes of the local banks were not good to travel with; they

rapidly depreciated as they left the neighborhood of the bank of issue. Only a very few banks were either known or trusted throughout any large part of the country; but the issues of every bank could be disposed of, and fatally facilitated the starting of enterprises of all kinds. The distribution of the surplus among the States embarrassed the banks of deposit, because they had to meet the quarterly payments; but although it <sup>Effect of</sup> ~~arbitrarily~~ <sup>distribution.</sup> ~~shifted~~ the locality of speculation, it did not decrease its bulk or seriously diminish its spirit. The States themselves found schemes to put the money into, and that answered the same purpose; enterprise was made the more confident, if anything, and the more universal: the bubble of inflation grew all the bigger and all the thinner. Railroads, too, were now beginning to suggest the rapid extension of the area of enterprise; everywhere the cry was, "Develop the country."

Jackson made trial of the efficacy of a small pill against the earthquake. It had not been his intention <sup>Jackson on</sup> to clear the field of sound money and make <sup>the currency.</sup> way for the reign of paper credit. He took occasion to avow his opinion that gold and silver were the "true constitutional currency" of the country, and a distinct effort was made by the administration to force the output of the national mints into circulation. <sup>Gold coinage.</sup> The coinage of 1833 amounted to less than four millions; that of 1834 considerably exceeded seven millions, the increase being almost altogether in the gold coinage; and arrangements were made with the deposit banks that they should issue no notes of less than twenty dollars, at the same time that one-third of their circulation should represent specie. A great many of the States, too, were induced to forbid the issue of notes of the smaller denominations by the state banks. But no small expedients could stay the rising tide of

bank circulation, could provide capital to uphold that circulation, or assuage the fever of speculation that had fallen upon the country.

#### 47. The "Specie Circular" (1836).

The situation, too, as was to have been expected, speedily became perilous for the government. Its revenues were being received in the paper of the banks, which exhibited all varieties and stages of depreciation.

Sale of public lands. Speculation began to have an extraordinary effect upon the sales of the public lands. In 1834 less than five millions accrued from their sale; but in 1835 more than fourteen millions, and in 1836 nearly twenty-five millions; and these sales of course brought a flood of depreciated paper into the Treasury. Jackson was alarmed, and determined that, so far at any rate as the federal government was concerned, the "true constitutional currency" should be restored. July 11, 1836,

The circular. accordingly, there issued from the Treasury the celebrated "Specie Circular," which directed that thereafter nothing but specie should be taken by the land agents in payment for public lands. The receipt by the Treasury of any notes but those of specie-paying banks was already prohibited by statute. The President doubtless had good reason to believe that there were no longer any specie-paying banks; he would assure the Treasury of sound money by confining the receipts to gold and silver. This measure, like the removal of the deposits, was his own, taken against the advice of the cabinet and on his own responsibility.

Before the full effects of this violent and arbitrary interference with exchanges could make themselves felt, Jackson's second term of office came to an end, and Van Buren succeeded to the presidency. Van Buren was Jackson's own choice

Van Buren succeeds Jackson.



for the succession ; but he came in with a much reduced following, and received from his predecessor a heritage of bad policy which was to overwhelm him. His majority in the electoral college was forty-six, as against Jackson's majority of one hundred and fifty-nine four years before ; his popular majority, 25,000, as against a plurality of 157,000 for Jackson. He did not lead, or constitute, a party as Jackson did, and he seemed deliberately to accept a sort of subordination, so cordially and apparently unreservedly did he commend the presidential record of his "illustrious predecessor," alike in what he said while the election pended and in the warm phrases of his inaugural address. Though in fact ready to act with independence and courage, he gave no sign as yet of wishing to be thought to be more than Jackson's successor. He was ready, it for the time appeared, to make himself responsible for all the effects of the specie circular upon the business of the country, and to shoulder, besides, the burden of every other mistake Jackson had made.

## CHAPTER IV.

**ADMINISTRATION OF VAN BUREN (1837-1841).****48. Financial Crisis (1837).**

THE financial storm had already fairly begun to break upon the country when Van Buren assumed the chief Commercial post of the federal government. Business crisis. was already upon the threshold of the crisis of 1837. The volume of paper currency which had gone West for the purchase of lands was thrown back upon the East for redemption, or to add still further to the plethora of circulation already existing there. Credit had received a stunning blow, under which it first staggered, and then fell. There was a sudden rise in prices. There had been a very rapid increase in the amount of imports since 1832, and considerable sums of specie had been sent abroad to meet balances. Flour rose from five dollars (1834) to eleven dollars per barrel (1837); corn from fifty-three cents to one dollar and fifteen cents per bushel. In February and March, 1837, there were bread riots in New York. The banks were everywhere driven to a suspension of specie payments, the deposit banks going down with the rest, in May. On May 15 the President called an extra session of Congress, for the first Monday in September, to consider measures of relief.

So far as he himself was concerned, the President evidently did not believe that relief should be sought in Policy of an abandonment of the policy of the specie Van Buren. circular. He himself issued a circular of similar import with regard to the transactions of the

Post Office Department; and when Congress met he had no suggestion of retreat to make. Silas Wright of New York was the authoritative spokesman of the administration. He had hinted at the advisability of a currency wholly metallic in 1834, in the debates which followed the removal of the deposits; and now that Van Buren was at the head of the government, a party emerged from behind Jackson as the advocate of a stubborn adherence to the policy of "hard money." Of this party Silas Wright was one of the conspicuous leaders. Congress had tried to effect a repeal of Jackson's specie circular in its session of 1836-1837. Calhoun had declined to vote on the bill, on the ground that he believed the state of the currency to be "almost incurably bad, so that it was very doubtful whether the highest skill and wisdom could restore it to soundness. An explosion he considered inevitable, and so much the greater the longer it should be delayed." And this seems to have been the feeling of the administration. Better insist on the specie circular, and bring on the revolution, than try to postpone it by makeshifts.

This was the negative side of the policy of this new political combination. It had also positive proposals to make. It suggested a complete divorce of the government from the banks, and proposed that this divorce should be effected by leaving the revenues of the government in the hands of the collecting officers, to be disbursed, transferred, and accounted for by them under bonds of sufficient amount to secure their fidelity. This was not a plan to regulate the currency or to relieve the financial distress. It was purely administrative in character, meant to save the government from loss, and to secure it against embarrassment by separating its affairs entirely from the hazards of banking. The Senate accepted these proposals, even

Sub-Treas-  
ury scheme.

adding a clause directing that all dues to the government should be paid in gold and silver; but the House tabled the measure. The four years of Van Buren's administration were spent in a persistent effort to get this bill through Congress. There were strong forces working for it, though they would seem not to have been forces of party principle so much as influences of individual opinion. Men like Benton, for whom the policy of the government in respect of the public lands had a vitality of interest such as it did not possess for the public men of the East, felt very keenly the need for some such heroic remedy for speculation as Jackson's circular supplied; men like Calhoun saw no use in trying to amend the bank system, and thought the maladies of the currency incurable except by acute suffering and a thorough natural purging of all morbid humors. Jackson, probably at Benton's suggestion, had committed his party to a definite course; Van Buren meant to follow him consistently in what he had done; and the party leaders had nothing else to suggest.

#### 49. Banking Reform (1837-1841).

The only group of politicians, apparently, which then knew its own mind with reference to financial policy was "Loco-foco" made up of those Democrats, originally a principles. local faction in New York and dubbed "Loco-focos," who thought that they detected the chief danger in the corruption incident upon the granting of bank charters in the States, and in the folly of the unlimited powers of note-issue conferred by those charters. They plainly avowed their "unqualified hostility to bank notes and paper money as a circulating medium" and to all special grants of incorporation by state legislatures. They mustered strong enough to exercise a very considerable influence upon the state elections in New

York; the President, Silas Wright, and Senator Benton, although not openly of their party, practically entertained their principles; and when they presently disappeared within the general body of the Democratic party, it was rather because they had drawn it to themselves than because it had absorbed or defeated them.

The "Loco-foco" principles, indeed, were symptomatic of a common movement of opinion. Some efforts towards the reform of the banking system had already been made in New York, and it is noteworthy that Van Buren had played a very wise and intelligent part in what had been attempted there. It was in accordance with suggestions contained in his message to the legislature of New York as governor, in 1829, that the "safety-fund" law had been passed, which required all the banks which had been chartered by the State to pay into the state treasury a certain percentage of their capital stock to serve as a fund out of which the liabilities of any of them that might fail should be made good. The deposit required proved too small, and a different system was presently found preferable; but the safety-fund was the beginning of reform.

In 1838 New York established a "free-banking" system, which set the fashion of reform elsewhere, and which, as subsequently amended, served as a model for the excellent federal banking law of 1863. Under this system the practice of granting special charters was abandoned; it was to be free to any persons to form a banking company who should conform to the requirements of the Act, the leading and most important requirement being that each company should deposit securities with the State to the full amount of its circulating notes. Other States, sooner or later, entered upon the same line of policy. The follies and disasters of unregulated banking were at last telling upon the

minds of legislators; and New York, the most party-ridden of States, led in the reform.

### 50. The Independent Treasury (1840).

Again and again did the administration party press the "Independent Treasury" scheme upon Congress: Financial distress. three times was it adopted by the Senate and rejected by the House. On the fourth trial it passed both houses, and became law July 4, 1840. Meantime nothing positive had been done for the relief of the financial distress of the country, and nothing permanent for the relief of the Treasury. The failure of the deposit banks, coming at the same time with the distribution of the surplus among the States, had brought actual pecuniary distress upon the government. Twice was it necessary, accordingly, to authorize the issue of Treasury notes. In the interval between the suspension of the banks of deposit and the determination by Congress of the policy of the Treasury in the matter of the custody of the revenues, a sort of extra-legal independent treasury arrangement had been inevitable; there was no safe place of deposit provided, and the moneys collected had to be retained by the Treasury agents.

The Independent Treasury Act, as finally passed, "directed rooms, vaults, and safes to be provided for The Act. the Treasury, in which the public money should be kept; provided for four receivers-general, at New York, Boston, Charleston, and St. Louis, and made the United States Mint and the branch mint at New Orleans places of deposit; directed the treasurers of the United States and of the mints, the receivers-general, and all other officers charged with the custody of public money, to give proper bonds for its care and for its transfer when ordered by the Secretary

of the Treasury or Postmaster-General; and enacted that after June 30, 1843, all payments to or by the United States should be in gold and silver exclusively." The system was to be presently repealed, for Van Buren and his party were to suffer immediate and overwhelming defeat; but it was to be restored, and was to become the permanent system of federal financial administration.

From the very first, all popular influences in politics went against Van Buren. The whole "bank war" had served to deepen the impression that Congress and the Federal Government as a whole was in some very direct way responsible for the financial condition of the country. Jackson's bank veto and his removal of the deposits had killed the Bank of the United States, against the protests of Congress; his transference of the public moneys to the state banks had led to the multiplication of local banking companies and the still more unhealthy stimulation of speculation; and then, after ostentatiously trusting the local banks, he had at a single wanton blow destroyed them, and with them all credit, by his specie circular. And now his successor would mend nothing, would propose nothing, except that the government take care of itself by keeping its own moneys, and have nothing whatever to do with any banks at all. Those of his party, the while, who said anything distinctly, said that gold and silver must be the currency of the country, at a time when there was no gold or silver to be had. As for the people, they still believed in legislative panaceas for pecuniary distress, and were beyond measure exasperated with the administration.

#### 51. The Democrats discredited (1840).

There were other causes of irritation, other influences of alienation, too, between the government and the people

The policy of arbitrary removals and partisan appointments which Jackson had adopted had early borne its nat-

ural fruit; but its demoralizing results were not fully disclosed until the administration of the ill-fated Van Buren. Then many serious

cases of mismanagement, jobbery, speculation, and fraud were discovered, and the particulars made public. Van Buren seems to have sought no concealments, to have made no effort to shield any offender; but he got no credit for his uprightness, — he only received blame for the establishment of a system which had made such demoralization of the civil service inevitable. It was commonly believed that he had been chiefly instrumental in importing the “spoils system” of New York politics into the national administration; for he had been one of the most influential members of that “Albany Regency” which had so long and so successfully controlled the public patronage in New York, and he was known to have been the leading spirit of Jackson’s administration. The

Van Buren’s suspicion was unjust. Van Buren had used the responsibility. patronage in New York, but he had not fostered the misuse of it. He had acquiesced in Jackson’s methods, as did all who served Jackson; but he had not introduced these methods, and he had done something to discountenance their employment in his own Department so long as he remained a member of the cabinet, — as much, doubtless, as his too diplomatic nature permitted. But the suspicion, although unjust, was natural, was universal, was ineradicable. It damaged him as much in the general esteem as if it had rested upon demonstration.

Every question that arose seemed to bring with it some loss of prestige for the administration. Other causes of irritation. A small but earnest and intense anti-slavery party had been growing and agitating since 1831. Under



the influence of the feeling it had aroused, Congress was deluged with anti-slavery petitions, chiefly aimed at slavery and the slave trade in the District of Columbia, and the Democratic party had discredited itself by refusing to hear any petitions on the subject. In the closing months of 1835 Texas had declared her independence of Mexico,

**Texas.** and the next year Jackson accorded her diplomatic recognition. Now she was manœuvring for admission into the Union, with all the southern interest behind her. Northern men thought with alarm of her vast territory, out of which five slave States might be made; anti-slavery feeling was intense against any dealings or parleyings with her at all. Van Buren declined overtures of annexation, and declared the neutrality of the United States as between Texas and Mexico; but he did it, as he did all things, mildly and with prudent reserve, and was thought by his opponents to do it against his secret desire in the matter.

He handled with prudence and good judgment the troubles which had arisen upon the northeast frontier because of a boundary dispute with England, complicated by an insurrection in Canada and by lawless attempts on the part of citizens of the United States to assist the insurgents; but he exasperated the men concerned by his justice towards the rights of England. It was under his administration that the last war

**Seminoles.** with the Seminole Indians of Florida was brought to a close; but it was a costly and cruel business, and, like other things, brought only criticism to the President and his advisers. These things might have been viewed more justly had the country not been passing through the fires of a prolonged financial crisis, and had it not seemed to find in the administration, not only an unwillingness to do anything to relieve the distress which Jackson had caused.

**Popular feeling.**

but obduracy and insensibility in its stubborn pursuit of its single policy of an independent Treasury and hard money for the general government, with or without a banking system and a practicable currency for the people. Van Buren unquestionably showed throughout a fine courage and a certain elevation of view; but he was not imperative or impressive, as Jackson was. The country had made up its mind that he was a small, selfish, incapable politician, and it judged him accordingly.

Throughout the four years of the administration the influence of the Whigs grew apace. Again and again they carried States which had been of the Jackson following. In 1838 they elected William H. Seward, their candidate for governor, in Van Buren's own State of New York, by a majority of ten thousand. For the campaign of 1840 they again nominated

Presidential  
campaign of  
1840-

General William Henry Harrison for President, as they had done four years before, and John Tyler of Virginia for Vice-President. The Democrats nominated Van Buren and Johnson. General Harrison had served the country honorably both in civil and in military capacities, was well known, and had, moreover, a certain homely modesty and candor which commended him to the mass of plain men. His party proclaimed no principles except opposition to Van Buren and the Democrats. But this was enough. After a campaign of unparalleled excitement and enthusiasm, Harrison was elected by two hundred and thirty-four electoral votes, to sixty for his opponent, carrying nineteen States, as against seven for Van Buren; although his plurality was less than one hundred and fifty thousand in a total vote of nearly two millions and a half. The Whigs, too, were to have a majority of forty-seven in the House, and of seven in the Senate.

52. A New Era of Material Development (1830-1840).<sup>2</sup>

The bold directness and almost lawless energy of Jackson's character were the more appreciated by his contemporaries because they seemed to epitomize the active spirit of personal initiative which quickened the whole country in his day. The decade 1830-1840 witnessed the beginnings of an industrial revolution in the

United States. Railways began to be built.

Railways. The railway map of the United States in 1830 shows four short roads, with an aggregate length of twenty-three miles; on the map of 1840 there are lines representing an aggregate railway mileage of two thousand eight hundred and eighteen. These were small beginnings, but deeply significant of what was to come. The railway mileage of the country was to double there-

after every five years until the period of the Civil War. Steamboats multiplied with great rapidity upon the western rivers and on the Lakes, in response to the impulse which was being given to movements of population. The

navigation of the ocean by vessels propelled by steam had become an established success

by 1838, the utilization of anthracite coal in the production of steam (1836) and the invention of the screw-propeller (1836-38) contributing not a little to the result.

On every side mechanical invention was busy.

Invention. Anthracite coal was successfully employed in the manufacture of iron in 1836. Nasmyth's steam-hammer was invented in 1838. The McCormick reaper, invented in 1834, at once simplified the cultivation of large farms with a small force of laborers, and assured the development of the great grain lands of the Northwest. Even friction matches, invented in 1829, ought to be mentioned, as removing one of the minor inconveniences of a civilization demanding all the light it could get.

This rapid multiplication and diversification of labor-saving machinery effected a radical change in economic and social conditions. While railways were to extend population, manufacturing industries were to compact it.

The homely, rural nation which in 1828 chose Andrew Jackson to be its President, was now about to produce a vast and complex urban civilization. Its old habits were to be thoroughly broken up. Its railways were to produce a ceaseless movement of population, section interchanging people with section, the whole country thrown open to be visited easily and quickly by all who chose to travel, local prejudices dislodged by familiar knowledge of men and affairs elsewhere; opinions, manners, purposes made common and alike throughout great stretches of the land by reason of constant intercourse and united effort. The laboring classes, who had hitherto worked chiefly upon their own initiative and responsibility, were now to be drawn together into great factories, to be directed by others, the captains of industry, so that dangerous contrasts both of fortune and of opportunity should presently be created between capitalist and employee. Individual enterprise and simple partnerships were to give place on all hands

to corporations. The first signs of a day of capitalistic combinations and of monopoly on the great scale began to become visible, and it is noteworthy that Jackson, with his instinctive dread of the bank monopoly, was one of the first to perceive them. The nation, hitherto singularly uniform in its conditions of life, exhibiting almost everywhere equal opportunities of success, few large fortunes, and an easy livelihood for all who were industrious, was now about to witness sudden enormous accumulations of wealth, to perceive sharp contrasts between poverty and abundance, an ominous breaking up of economic levels. The aggregate material power of

Changes in  
manners and  
industry.

Corporations.

the country was to be greatly increased; but individual opportunity was to become unequal, society was to exchange its simple for a complex structure, fruitful of new problems of life, full of new capacities for disorder and disease.

It is during this decade, accordingly, that labor organizations first assume importance in the United States, in opposition to "capital, banks, and monopolies." During the financial distresses of the period, when every hardship of fortune was accentuated, strikes, mobs, and riots became frequent, and spoke of a general social ferment.

### 53. Economic Changes and the South (1829-1841).

The rapid material development of the period had, moreover, this profound political significance, that it hastened the final sharp divergence between the North and the South. When it is considered that the power of steam upon iron rails and in the water, and the multiplied forces of industry created by invention in aid of the mechanic arts, meant the accelerated growth of the West, a still more rapid development and diversification of the undertakings of manufacture, a still huger volume and a still quicker pace for commerce, and that in almost none of these things did the South as a section have any direct share whatever, it will be seen how inevitable it was that political dissension should follow such an economic separation. The South of course made large contributions out of her wealth and her population to the development of the West; but this movement of southern people did not extend the South into the West. The southerner mixed in the new country with men from the other sections, and their habits and preferences insensibly affected his own

Irregular development of the nation.

The South and the West

He was forced either to adopt ways of life suitable to the task of subduing a new soil and establishing new communities under novel conditions, or to give over competing for a hold upon the West. He was in most sections of the new territory, moreover, hindered by federal law from employing slave labor. In spite of all preferences or prepossessions, he ceased to be a southerner, and became a "westerner;" and the South remained a peculiar section, with no real prospect of any territorial addition, except on the side of Texas.

#### 54. Structure of Southern Society (1829-1841).

The existence of slavery in the South fixed classes there in a hard crystallization, and rendered it impossible that the industrial revolution, elsewhere working changes so profound, should materially affect the structure of her own society. Wherever slaves perform all the labor of a community, and all free men refrain, as of course, from the meaner sorts of work, a stubborn pride of class privilege will exist, and a watchful jealousy of interference from any quarter, either with that privilege itself or with any part of the life which environs and supports it. Wherever there is a vast multitude of slaves, said Burke, with his habitual profound insight into political forces, "those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more liberal and noble. I do not mean to commend the superior morality of this sentiment, which has at least as much pride as virtue in it :

but . . . the fact is so. . . . In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible." Southern society had from the first resolutely, almost passionately, resisted change. It steadily retained the same organization, the same opinions, and the same political principles throughout all the period of seventy-two years that stretched from the establishment of the federal government to the opening of the war for its preservation.

The structure of southern society unquestionably created an aristocracy, but not such an aristocracy as the world had seen before. It was, so to say, a democratic aristocracy. It did not create a system which jeopardized liberty among those who were free, or which excluded democratic principles from the conduct of affairs. It was an aristocracy, not of blood, but of influence, and of influence exercised among equals. It was based upon wealth, but not upon the use of wealth. Wealth gave a man broad acres, numerous slaves, an easy, expansive life of neighborly hospitality, position, and influence in his county, and, if he chose to extend it, in his State; but power consisted of opportunity, and not of the pressure of the wealthy upon the poor, the coercive and corrupting efficacy of money. It was, in fact, not a money wealth: it was not founded upon a money economy. It was a wealth of resource and of leisured living.

The life of a southern planter was in no sense a life of magnificence or luxury. It was a life of simple and plain abundance: a life companioned with books not infrequently, oftentimes ornamented with household plate and handsome family portraits; but there was none of the detail of luxury. A generous plenty of the larger necessities and comforts and a leis-

ure simply employed, these were its dominant features. There was little attention to the small comforts which we call conveniences. There were abounding hospitality and generous intercourse; but the intercourse was free, unstudied in its manners, straightforward, hearty, unconstrained, and full of a truly democratic instinct and sentiment of equality. Many of the most distinguished southern families were without ancient lineage; had gained position and influence by their own honorable successes in the New World; and the small farmer, as well as the great planter, enjoyed full and unquestioned membership in the free citizenship of the State.

As Burke said, all who were free enjoyed rank, and title to be respected. There was a body of privileged persons, but it could scarcely be called a class, for it embraced all free men of any substance or thrift. Of course not all of southern society was rural. There was the population of the towns, the lawyers and doctors and tradesmen and master mechanics, among whom the professional men and the men of culture led and in a sense controlled, but where the mechanic and the tradesman also had full political privilege. The sentiments that characterized the rural population, however, also penetrated and dominated the towns. There was throughout

**Solidarity.** southern society something like a reproduction of that solidarity of feeling and of interest which existed in the ancient classical republics, set above whose slaves there was a proud but various democracy of citizenship and privilege. Such was the society which, by the compulsion of its own nature, had always resisted change, and was to resist it until change and even its own destruction were forced upon it by war.

Although the population of the country increased in the decade 1830-1840 from thirteen to seventeen millions, and although immigration trebled between 1830 and 1837.



the population of the older southern States increased scarcely at all. In 1830 Virginia had 1,211,405 inhabitants; in 1840, 1,239,797. In 1830 South Carolina had 581,000; in 1840, 594,000. North Carolina had 737,000 in 1830, 753,000 in 1840. Georgia had done better: had increased her population by more than one hundred and seventy-four thousand, and had gone up from tenth to ninth place in the ranking of the States by population. Mississippi and Alabama had grown like the frontier States they were. The increase of population in the northern States had in almost every case been very much greater; while an enormous growth had taken place in the West. Ohio almost doubled her population, and Indiana quite doubled hers. Two new States also were admitted, — Arkansas in June, 1836, and Michigan in January, 1837.

#### 55. *An Intellectual Awakening (1829-1841).*

The same period witnessed a very notable development in the intellectual life and literary activity of the country. It was a time when the world at large was quivering under the impact of new forces, both moral and intellectual. The year 1830 marks not only a period of sharp political revolution in Europe, but also a season of awakened social conscience everywhere. Nowhere were the new forces more profoundly felt than in England, where political progress has always managed to be beforehand with revolution. In 1828 the Corporation and Test Acts were repealed; in 1829 Catholic emancipation was effected; in 1832 the first reform bill was passed; in 1833 slavery was abolished throughout the British Empire; in 1834 the system of poor relief was reformed; in 1835 the long needed re-constitution of the government of municipal corpora-

tions was accomplished; and in 1836 the Act for the commutation of tithes was adopted. Everywhere philanthropic movements showed the spirit of the age; and in these movements the United States were particularly

forward: for their liberal constitutions had already secured the political changes with which foreign nations were busy. Americans were among the first to undertake a serious and thoroughgoing reform of the system of prison discipline. It was the fame of the new penitentiary system of the United States that brought De Tocqueville and Beaumont to this country in 1831, on that tour which gave us the inimitable "Democracy in America." In the same year William Lloyd Garrison established his celebrated paper, "The Liberator," and the anti-slavery movement assumed a new shape, to which additional importance was given in 1833 by the formation of the Anti-Slavery Society. Everywhere a new thoughtfulness and humanity entered into legislation, purging institutions of old wrongs, enlarging the views of statesmen and the liberties of the people. The general spiritual ferment manifested itself in such religious movements as that which came to be known as Transcendentalism; in such social schemes as those of Robert Owen and the distinguished group of enthusiasts who established Brook Farm; in a child-like readiness on the part of all generous or imaginative minds to accept any new fad of doctrine that promised plausibly the regeneration of society.

It was to be expected that an age in which both the minds and the hearts of men were being subjected to new excitements and stirred to new energies should see new life enter also into literature. A whole generation of new writers of originality and power, accordingly, came suddenly into prominence in this decade. Hawthorne began to publish in 1828, Poe in 1829, Whit-

Social re-  
forms in  
America.

New writers.

tier in 1831, Longfellow in 1833, Bancroft in 1834, Emerson and Holmes in 1836. Prescott was already giving promise of what he was to do in his essays in the "North American Review." It was just without this decade, in 1841, that Lowell's first volume of youthful poems was given to the public. Law writings, too, were being published which were to become classical. Kent's "Commentaries on American Law" appeared between 1826 and 1830; Mr. Justice Story began to publish in 1833, and by 1838 had practically completed his great contributions to legal literature; Wheaton's "Elements of International Law" was published in 1836. Professor Lieber put forth his first works upon the theory of law and politics in 1838. Henry C. Carey's "Rate of Wages" appeared in 1835, and his "Principles of Political Economy" between 1837 and 1840. These were the years also of Audubon's contributions to natural history, and of Asa Gray's first essays in botany. In 1838 James Smithson provided the endowment of the Smithsonian Institution.

All this meant something besides a general quickening of thought. America was beginning to have a little more leisure. As the material resources of the eastern States multiplied, and wealth and fortune became more diffused and common, classes slowly came into existence who were not wholly absorbed by the struggle for a livelihood. There began to be time for the cultivation of taste. A higher standard of comfort and elegance soon prevailed, of which books were a natural accompaniment. Miss Martineau did not find European culture in the United States when she visited them in 1834, but she found almost universal intelligence and an insatiable intellectual curiosity. Native writers embodied the new ideals of the nation, and spoke a new and whimsical wit. The country brought forth its own historians and story-tellers, as well as its own mystics.

like Emerson, and its own singers to a cause, like Whittier. "You are a new era, my man, in your huge country," wrote Carlyle to Emerson.

Newspapers, too, began to take on a new form. The life of the nation had grown too hasty, too various and complex, too impatient to know the news and Newspapers. to canvass all new opinions, to put up any longer with the old and cumbersome sheets of the style inherited from colonial times. Papers like the "Sun" and the "Herald" were established in New York, which showed an energy and shrewdness in the collection of news, and an aggressiveness in assuming the leadership in opinion, that marked a revolution in journalism. They created the omnipresent reporter and the omniscient editor who now help and hinder, stimulate and exasperate, us so much. It was a new era, and all progress had struck into a new pace.

#### 56. The Extension of the Suffrage.

In the colonies the suffrage had very commonly been based upon a freehold tenure of property; and where no Colonial. property qualification existed, it was customary to limit the suffrage to those who were tax-payers. In most of the older States such regulations had survived the Revolution. But nowhere did they very

Influences of extension. long remain. The new States forming in the West bid for population by offering unlimited political privileges to all comers; cities grew up in which wealth was not landed, but commercial; French doctrines of the "rights of man" crept in through the phrases of the Declaration of Independence; demagogues, too, became ready to offer anything for votes in the "fierce competition of parties careful for the next election, if neglectful of the next generation;" and so everywhere.

except in the South, a broad manhood suffrage presently came to prevail. By the close of Jackson's second term no northern State retained any property restriction except Connecticut, Rhode Island, and New Jersey, and no western State except Ohio.

### 57. The Re-formation of Parties (1829-1841).

Parties had taken form again while Jackson reigned. It was not easy to see the Democratic party as a whole while Jackson was President. His personal influence. Jackson's influence. His personality was too dominant, and the influences of the time were too personal, too complex, too obscure, to make it possible to say with confidence just how much of the policy of the administration was Jackson's own, just how much suggested to him by those who enjoyed his friendship. When Van Buren becomes President, however, the party emerges from behind Jackson; Van Buren's figure hides no other man's; and we see, by reading backwards, that a party of definite principles had for some time been forming.

We perceive that some of the measures of Jackson's time were his own, but that the objects aimed at were not his alone, but those of a group of party leaders The Democrats. who stood behind him: Van Buren, Taney, Benton, Woodbury, Cass, and others; the group for which Silas Wright spoke in Congress when he introduced the Independent Treasury plan. These men would have destroyed the United States Bank, but they would never have originated the plan for removing the deposits; they wished to see a currency of gold and silver take the place of a currency of depreciated paper, but none of them, except perhaps Benton, would have hazarded so brutal a measure as the specie circular. The principles of this new party were simple and consistent; and Van Buren's

administration showed with how much courage they were prepared to insist upon them and carry them into execution. These principles embraced a conservative construction of the Constitution and a scrupulous regard for the limitations of the powers of Congress. They therefore excluded the policy of internal improvements, the policy of interference with the business development of the country by means of protective tariffs, the policy of chartering a national bank, and everything that looked like a trespass on the reserved rights of the States. This party wished to see the Treasury divorced from all connection with banks; it believed specie to be the "constitutional currency" of the country; it desired to see as much economy and as little governing as possible.

Until 1834, when it had assumed its new name, Whig, of conveniently ambiguous significance, the National Republican party of Clay and Adams had The Whigs. been too heterogeneous, too little united upon common principles, too little prepared to concert common measures, to be able to make any headway against the popularity of Jackson and the efficient organization of Jackson's followers. But by the middle of Jackson's second term it had fairly pulled itself together. By that time it had drawn several powerful factions to itself in the South, and had brought its other adherents to something like a common understanding and mutual confidence upon several important questions of public policy. It seemed to speak again with the voice of the old Federalists; for it leaned as a whole towards a liberal construction of the constitutional powers of Congress; it believed in the efficacy of legislation to effect reforms and check disorders in the economic life of the people. Its most conspicuous leaders were committed to the policy of large expenditures for internal improvements and to the policy of protective tariffs; and it contained,

and for the most part sympathized with, the men who had fought for the renewal of the charter of the Bank of the United States.

The only thing that seemed now to imperil the integrity of parties was the anti-slavery movement. This ~~Anti-slavery movement~~ <sup>movement</sup> originated just as Jackson came into power, had gathered head slowly, and had as yet little organic influence in politics. But it was steadily gaining a hold upon the minds of individuals and upon certain sections of the country; and it threatened the Democratic strength more than it threatened the Whig, simply because the Union between the Democrats and the South was of longer standing and of greater intimacy than the alliance between the southerners and the Whigs. Moreover, the anti-slavery feeling very early became conspicuous in politics by means of petitions poured in upon Congress praying against the slave-trade and slavery itself in the District of Columbia, and against the slave-trade between the States. The Democrats, under the leadership of the southern members, committed the fatal strategic blunder of refusing to allow these petitions to be read, printed, or referred. This of course gave the Abolitionists an important moral advantage. John Quincy Adams, too, was now spokesman for them in Congress. He had been sent to the House of Representatives in 1831 by the Anti-Masons, and remained there, an irrepressible champion of his own convictions, until 1848. Immediately after shutting off anti-slavery petitions Congress passed an Act in still further defiance of the anti-slavery feeling. June 7, 1836, the area of the State of Missouri, and therefore of slavery, was considerably increased to the westward, in direct contravention of the Missouri compromise, by adding to it the territory between its old western frontier and the Missouri.

58. **Character of the Jacksonian Period (1829-1841).**

It is not easy to judge justly the political character of this singular period as a whole. That the spoils system of appointment to office permanently demoralized our politics, and that the financial policy of Jackson temporarily ruined the business of the country, no one can fail to see; but who can say that these movements of reaction against the older scheme of our national politics were not inevitable at some point in the growth of our restless, raw, and suspicious democracy? Jackson certainly embodied the spirit of the new democratic doctrines. His presidency was a time of riot and of industrial revolt, of brawling turbulence in many quarters, and of disregard for law; and it has been said that the mob took its cue from the example of arbitrary temperament set it by the President. It is, however, more just to see, both in the President himself and in the mobs of his time of power, symptoms of one and the same thing; namely, a great democratic upheaval, the wilful self-assertion of a masterful people, and of a man who was their true representative.

**Political organization.** **Disturbance.** **The will of the people.** The organic popular force in the nation came to full self-consciousness while Jackson was President. Whatever harm it may have done to put this man into the presidency, it did the incalculable good of giving to the national spirit its first self-reliant expression of resolution and of consentaneous power.



### III.

## THE SLAVERY QUESTION

(1842-1856).

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## CHAPTER V.

### THE SLAVERY SYSTEM.

#### 60. Conditions favorable to Agitation.

So many and so various were the forces which were operative during the period of Jackson's presidency, and so much did a single issue, the financial, <sup>Agitation</sup> dominate all others during the administration <sup>and change.</sup> of Van Buren, that it is difficult, if not impossible, to take accurately the measure of the times, to determine its principal forces, or to separate what is accidental in it from what is permanent and characteristic. During Jackson's eight years everything is changing; both society and politics are undergoing revolution; deep organic processes are in progress; significant atmospheric changes are setting in. The agitation has by no means ceased when Van Buren becomes President, but it manifests itself for the time being almost exclusively in profound

financial disorders, from which there is slow and painful recuperation. It is only after the first stages of the revolutionary ferment of this initial decade of the new democracy are passed that the permanent effects begin to show themselves. Then it is that the old phrases and costumes of our politics disappear, and the stage is cleared for the tragedy of the slavery question.

No one can contemplate the incidents of the presidential campaign of 1840 without becoming aware how much the whole atmosphere of national politics has changed since the old line of Presidents was broken, and a masterful frontiersman, type of a rough and ready democracy, put at the head of affairs. The Whigs, the party of conservative tradition and constructive purposes in legislation, put General Harrison forward as their candidate because he is a plain man of the people; they play to the commonalty by means of picturesque processions and hilarious barbecues, proposing the while no policy, but only the resolve to put out the pygmy Van ~~Buren~~ and bring the country back to safe and simple principles of government, such as a great and free people must always desire. They accept the change which Jackson has wrought in the methods of politics.

Parties emerge from the decade 1830-1840, in short, with methods and standards of action radically changed, and with a new internal organization intended to make of them effective machines for controlling multitudes of votes. The franchise has everywhere throughout the country been made practically universal, and the organization of parties must be correspondingly wide and general, their united exertions correspondingly concerted and active. There is a nation to be served, a vast vote to be controlled, a multitude of common men to be attracted. Hosts must be marshalled by a system of discipline.

New  
campaign  
methods.

There is something much more momentous than all this, however, in the creation of such a vast and generalized human force as had now been introduced into our national politics. The decade 1830-1840 possesses the deepest possible political significance, because it brings a

Slavery and  
the new na-  
tional de-  
mocracy.

great national democracy, now at length possessed in no slight degree of a common organic consciousness and purpose, into the presence of the slavery controversy. Upon questions which seem simple and based upon obvious grounds of moral judgment, such a democracy, when once aroused, cannot be manipulated by the politician, or even restrained by the constitutional lawyer. The institution of slavery, however deeply rooted in the habits of one portion of the country, and however solemnly guaranteed under the arrangements of the federal system, had in reality but a single stable foundation, — the acquiescence of national opinion. Every social institution must abide by the issue of the two questions, logically distinct but practically inseparable: Is it expedient? Is it just? Let these questions once seriously take hold of the public thought in any case which may be made to seem simple and devoid of all confusing elements, and the issue cannot long remain doubtful. That is what took place when a body of enthusiasts, possessed with the reforming spirit, took hold of the question of slavery in that momentous decade. It was not really a simple question, but it could be made to seem so.

#### 61. Antecedents of the Anti-Slavery Movement.

The Abolitionists by no means discovered the slavery question, but they succeeded in giving it a practical importance such as it had never had before. A mild anti-slavery sentiment, born of the philanthropic spirit, had

existed in all parts of the country from the first. Nowhere were there to be found clearer or more plainly spoken condemnations of its evil influence at once upon masters and slaves and upon the whole structure and spirit of society than representative southern men had

Early anti-slavery feeling.

uttered. "Slavery," said George Mason of Virginia, "discourages arts and manufactures.

The poor despise labor when performed by slaves. They prevent the immigration of whites, . . . they produce a pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of Heaven on a country." In the northern States, where slaves were comparatively few in number, such sentiments had early led to emancipation (Formation of the Union, § 55); the system had, therefore, already become almost entirely confined to the southern States, where slavery seemed more suitable to the climate. There, too, the sentiment which had once existed in favor of emancipation had given way before grave doubts as to the safety of setting free a body of men so large, so ignorant, so unskilled in the moderate use of freedom; and had yielded also to paramount considerations of interest, in the profitable use of slave labor for the production of the immense cotton and tobacco crops which made the South rich. An African Colonization Society had been organized in 1816 for the purpose of assisting free negroes to form colonies in Africa, and this society had been joined by both friends and opponents of the system of slavery (Formation of the Union, § 126). There had been plans and promises of gradual emancipation even in the South; and there were doubtless some who still hoped to see such purposes some day carried out.

But these earlier movements, which had kept quietly within the limits of law and of tolerant opinion, were radically different from the movement which came to

a head in the formation of the American Anti-Slavery Society in 1833; they can hardly be called even the

American  
Anti-Slavery  
Society.

precursors of that movement. It was born of another spirit. Garrison's "Liberator"

demanding the immediate and total abolition of slavery throughout the country, laws and constitutions to the contrary notwithstanding; and this, with some temporary abatements for policy's sake, became the programme of the Anti-Slavery Society. The immediate effects of such a programme were anything but favorable to its originators. Many who shared the fashion of the age for reform eagerly subscribed to it; but it powerfully repelled the mass of the people, rendered

deeply conservative by the inheritance and practice of self-government, deeply imbued, like all of their race, with the spirit of political compromise, patient of anomalies, good-natured too, after the manner of large democracies, and desirous always of peace. The responsible classes condemned the leaders of the anti-slavery movement as fanatics and stirrers up of sedition; the irresponsible classes destroyed their printing-presses, and thought no violence too grievous for them.

Opposition

## 62. Occasion of the Anti-Slavery Movement.

But slowly, almost insensibly, the whole aspect of the matter was altered. It is impossible to say what would have happened had our system of law been then already worked out in all its parts, the full number of States made up and closed, our framework of local government completed. If instead of a vast national territory threatened with invasion by the aggressive slave interest, there had everywhere throughout the continent been States with their own fully developed

Question of  
slavery ex-  
tension.

systems of law, and their common pride of independence, possibly our national institutional structure would have been of too stiff a frame to succumb to revolution. But as it was, there were great issues of choice constantly thrusting themselves forward in national politics with reference to this very question of slavery. And the southern leaders were masterful and aggressive, ruthlessly pressing these issues and making them critical party tests. Safely intrenched though they were behind the guarantees of

Southern apprehensions. federal law with regard to the autonomy of their own States, in this, as in all other questions of domestic policy, they had shown from

the first an instinctive dread of being left in a minority in the Senate, where the States were equal. Their actions were dictated by an unformulated fear of what legislation might do should those who were of their interest fail of a decisive influence in Congress. They therefore fought for new slave territory, out of which to make new slave States; they insisted that anti-slavery petitions should not be so much as discussed in Congress; and they forced northern members to accept the most stringent possible legislation with regard to the return of fugitive slaves. At every point they forced the fighting, exasperating, instead of soothing, the rising spirit of opposition in the North, choosing to lose rather by boldness in attack than by too great caution in defence.

These were circumstances extremely favorable to the anti-slavery party. The Missouri compromise of 1820 showed that they could count upon a strong Anti-slavery advantage. sentiment in favor of keeping the major part of the national territories free from slavery; and it was to their advantage that the southern leaders should be always stirring this sentiment up by their attacks upon the Missouri arrangement. The practical denial of the right of petition in their case by Congress, moreover, gave them

an advantageous standing as martyrs in a cause as old and as sacred as English liberty. They were pressing a question upon the public conscience which could be made universally intelligible and universally powerful, if not irresistible, in its appeal to one of the broadest and most obvious of the moral judgments. Their own intense and persistent devotion, the hot and indiscreet aggressiveness of their opponents, and the intimate connection of the question of slavery with every step of national growth, gave them an increasing influence, and finally an overwhelming victory.

### 63: Establishment of the System of Slavery.

The general merits of the question of slavery in the United States, its establishment, its development, its social, political, and economic effects, it is now possible to discuss without passion. The vast economic changes which have taken place in all sections of the country since the close of the war have hurried us almost as far away from the United States in which slavery existed as any previous century could have carried us. It is but a single generation since the war ended, and we retain very intensely our sympathies with the men who were the principal actors on the one side or the other in that awful struggle; but doubtless for all of us the larger aspects of the matter are now beyond reasonable question. It would seem plain, for one thing, that the charges of moral guilt for the establishment and perpetuation of slavery which the more extreme leaders of the anti-slavery party made against the slaveholders of the southern States must be very greatly abated, if they are to be rendered in any sense just. Unquestionably most of the colonies would have excluded negro slaves from their territory, had the policy of England suffered them to do so. The selfish commer



cial policy of the mother-country denied them all choice in the matter; they were obliged to permit the slave-trade and to receive the slaves. Jefferson's original draft of the Declaration of Independence made it one of the chief articles of indictment against George the Third that he had "prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce." The non-importation covenant which the Continental Congress had proposed in October, 1774, included slaves, and had been unanimously adopted by all the colonies, thus checking the slave-trade until the formation of the Confederation; and after the formation of the new government of the Union, the leading southern States of their own accord abolished the ~~slave-trade before the year 1808, which the Constitution had fixed as the earliest date at which Congress could act in the matter.~~

The agricultural system of the South and its climatic conditions naturally drew a larger number of slaves to that

Localization of slavery. section than to the other parts of the country.

In 1775, upon the eve of the Revolution, there were 455,000 slaves in the South, to 46,102 in the North. While the Revolution was in progress, a series of inventions brought the whole modern machinery of cotton manufacture into existence. Following immediately upon the heels of this great industrial change, came Eli Whitney's invention of the cotton-gin (1793), which enabled even the unskilful slave to cleanse a thousand pounds of cotton of its seeds in a single day, instead of five or six pounds, as formerly. At once, almost at a single bound, the South became the chief cotton field of the world. In 1792, the year before Whitney's invention, the export of cotton from the United States amounted to only 138,328

Cotton. pounds; by 1804 it had swelled to 38,118,041; and at the time of the first struggle touching the extension of slavery (the Missouri compromise), it had risen to

127,860,152, and its value from seven and a half to more than twenty-two millions of dollars. Before this tremendous development of cotton culture had taken place, slavery had hardly had more than habit and the perils of emancipation to support it in the South: southern life and industry had shaped themselves to it, and the slaves were too numerous and too ignorant to be safely set free. But when the cotton-gin supplied the means of indefinitely expanding the production of marketable cotton by the use of slave labor, another and even more powerful argument for its retention was furnished. After that, slavery seemed nothing less than the indispensable economic instrument of southern society.

#### 64. Conditions of Slave Life.

Of the conditions of slave life it is exceedingly difficult to speak in general terms with confidence or with accuracy. Scarcely any generalization that could be formed would be true for the whole South, or even for all periods alike in any one section of it. Slavery showed at its worst where it was most seen by observers from the North,—upon its edges. In the border States slaves were constantly either escaping or attempting escape, and being pursued and recaptured, and a quite rigorous treatment of them seemed necessary. There was a slave mart even in the District of Columbia itself, where Congress sat and northern members observed. But in the heart of the South conditions were different, were more normal. Domestic slaves were almost uniformly dealt with indulgently and even affectionately by their masters. Among those masters who had the sensibility and breeding of gentlemen, the dignity and responsibility of ownership were apt to produce a noble and gracious type of manhood, and

relationships really patriarchal. "On principle, in habit, and even on grounds of self-interest, the greater part of the slave-owners were humane in the treatment of their slaves, — kind, indulgent, not over-exacting, and sincerely interested in the physical well-being of their dependents," — is the judgment of an eminently competent northern observer who visited the South in 1844. "Field hands" on the ordinary plantation came constantly "Field hands." under their master's eye, were comfortably quartered, and were kept from overwork both by their own laziness and by the slack discipline to which they were subjected. They were often commanded in brutal language, but they were not often compelled to obey by brutal treatment.

The negroes suffered most upon the larger properties, where they were under the sole direction of hired overseers. It was probably in some of the great rice fields of the southern coast, where the malarious atmosphere prevented the master from living the year around in daily association with his slaves, and where, consequently, the negroes were massed in isolation and in almost inevitable misery, that their lot was hardest, their condition most deplorable. The more numerous the slaves upon any single property, as a rule, the smaller their chance of considerate treatment; for when they mustered by the hundreds it was necessary to group them in separate villages of their own, and to devise a discipline whereby to deal with them impersonally and in the mass, rather than individually and with discrimination. They had to be driven, they could not be individually directed. The rigorous drill of an army had to be preserved. Books like Mrs. Stowe's "Uncle Tom's Cabin," which stirred the pity and deep indignation of northern readers, certainly depicted possible cases of inhuman conduct towards slaves. Such cases there may have been:

they may even have been frequent; but they were in every sense exceptional, showing what the system could produce, rather than what it did produce as its character-  
**Humane pub- istic spirit and method.** For public opinion  
**lic opinion.** in the South, while it recognized the necessity for maintaining the discipline of subordination among the hosts of slaves, was as intolerant of the graver forms of cruelty as was the opinion of the best people in the North. The punishment of the negroes, when severe, was in most cases for offences which were in effect petty crimes, like the smaller sorts of theft. Each master was in practice really a magistrate, possessing a sort of domestic jurisdiction upon his plantation.

Probably the most demoralizing feature of the system taken as a whole was its effect upon the marriage relation among the negroes. It sometimes hap-  
**Sale of slaves.** pened that husbands were sold away from their wives, children away from their parents; but even this evil was in most instances checked by the wisdom and moral feeling of the slave-owners. Even in the ruder communities public opinion demanded that when negroes were sold, families should be kept together, particularly mothers and their children. Slave-dealers were universally detested, and even ostracised; and the domestic slave-trade was tolerated only because it was deemed necessary for the economic distribution of the slave population.

### 65. Economic and Political Effects of Slavery.

The economic effects of slavery it is not so difficult to estimate; and these told not so much upon the slaves as  
**Agriculture.** upon the masters. The system of slave-labor condemned the South not only to remain agricultural, but also to prosecute agriculture at the cost of a tremendous waste of resources. It was impossible in cul-

tivating the soil by the work of slaves to employ the best processes, or any economical process at all. The system almost necessitated large "plantations," for with the sloth-

ful and negligent slave it was not possible to adopt intensive modes of farming. When the surface of one piece of land had been exhausted, a new piece was taken up, and the first left to recuperate its powers. For all the South was agricultural, it contained within it a very much larger proportion of unimproved land than did any other section. Its system of labor steadily tended to exhaust one of the richest and most fertile regions of the continent.

The system produced, too, one of the most singular non-productive classes that any country has ever seen; this was the class known in the South as "poor whites." "poor whites." Free, but on that very account shut out from laboring for others, both because of the pride of freedom and because of the absence of any system of hired free labor; devoid also of the energy and initiative necessary to support themselves decently, these people subsisted partly by charity, partly by cultivating for themselves small patches of waste land. They belonged neither to the ruling class nor to the slave class, but were despised by both.

The political effects of slavery upon the South are no less marked. Judging from statistics taken about the middle of the century, only one out of every six of the white men of the South, or, at the most, one out of every five, was a slaveholder. Of course there were many white men engaged in the subordinate functions of commerce or in professional pursuits; there were many also, doubtless, who had the service of slaves without owning or hiring them in any numbers. Statistics of the actual number who owned slaves or hired them from their owners cannot furnish us

with any exact statement of the number of those who enjoyed social position and influence such as to entitle them to be reckoned, in any careful characterization of the elements of southern society, as belonging to the slaveholding class. But upon whatever basis the estimate be made, it is safe to say that less than half the white people of the southern States should be classed among those who determined the tone and methods of southern politics. The ruling class in each State was small, compact, and on the whole homogeneous. It was intelligent, alert, and self-conscious. It became more and more self-conscious as the anti-slavery agitation proceeded. Its feeling of separateness from the other sections of the country grew more and more intense, its sense of dependence for the preservation of its character upon a single fateful institution more and more keen and apprehensive. It had, besides, more political power and clearer notions of how it meant to use that power than any other class in the country. For the Constitution of the United States provided that three-fifths of the slaves should be added to the whole number of whites in reckoning the population upon which representation in Congress should be proportioned; and the influence of the ruling class in the South was rendered by that provision still more disproportionate to its numerical strength. Still another motive was thus added for the preservation of slavery and the social power which it conferred.

#### 66. Legal Status of Slavery.

The existence of slavery within the respective States depended entirely upon their own independent choice.

It had come into existence by custom merely. Its statutory recognition. It had, however, received statutory and judicial recognition, and no one pretended to think either that

Congress could interfere with it under the federal Constitution as it stood, or that there was the slightest prospect of the passage of a constitutional amendment giving Congress any powers concerning it. It was not the question of its continued existence in the States where it was already established, but the question of its extension into the Territories of the United States, or the admission into the Union of States like Texas, which already possessed slaves, that was the live question of national politics. It was upon this territorial question that the southern leaders thought it to their interest to be aggressive, in order that the slave States might not be left in a perilous minority when new States came to be added to the Union in the future; and it was here that their aggressiveness stirred alarm and provoked resistance.

This was the field of feverish anxiety and doubtful struggle. Many ominous things were occurring. In 1831 Nat Turner's rebellion, the most formidable and terrible of the outbreaks among the southern negroes, had taken place in Virginia, and had seemed to the startled southerners to have some connection with the anti-slavery movement. In 1833 the British Parliament passed a bill abolishing slavery throughout the British Empire, by purchase; and the example of abolition was brought uncomfortably near to our shores in the British West Indies. The Seminole War had dragged on from 1832 to 1839, and had had its immediate bearing upon the question of slavery; for more than a thousand slaves had fled into Florida, while it was a Spanish possession, and had taken refuge among the Indians, with whom they had in many cases intermarried, and it was known that the war was prosecuted largely for the recapture of these fugitives, whom the Seminoles refused to surrender. Last, and most important of all, the question of the admission of Texas, with her slave

Disturbing  
events.

system and her vast territory, arose to become the first of a series of questions of free soil or slave soil which were to transform parties and lead directly to civil war. It was not the question of abolition that gained ground, but the question of the territorial limitation of slavery.

As yet but two formal statutes had been passed touching the question of slavery in the Territories, — the Ordinance of 1787. first the celebrated Ordinance of 1787, which had been adopted by the Congress of the Confederation, and which had excluded slavery from the "Northwest Territory," the region lying north of the Ohio River and east of the Mississippi (Formation of the Union, § 52). This Ordinance had been confirmed by an Act passed by the Congress of the new government in August, 1789, although it was generally admitted that the Congress of the Confederation had had no constitutional power either to acquire or to govern this territory. It was taken for granted that the power was sufficiently secured to the Congress of the Union by that article of the Constitution which confers upon Congress the power "to make all needful rules and regulations respecting the territory or other property belonging to the United States." The second Act was that which concerned the admission of the State of Missouri to the Union, by which it had been determined that, with the exception of Missouri, slavery should be wholly excluded from that portion of the Louisiana purchase which lay north of the southern boundary of Missouri extended (Formation of the Union, § 127). Although the greater part of the territory then belonging to the United States had been thus barred against the extension of slavery, not a little of it was left open. The principle of compromise had been adopted, and the southern leaders given to understand that, within a certain space, they had the sanction of the general govern-



ment in the prosecution of their efforts to extend their system and their political influence. It was, however, open to any successful party that chose to disregard this compromise in the future to break it and re-open the whole question.

## CHAPTER VI.

**TEXAS AND THE MEXICAN WAR (1836-1848)****67. The Whig Programme (1841).**

THE Whig party fought and won the campaign of 1840 in one character, and then proceeded to make use of their victory in quite another character. They sought the election of Harrison as an opposition party, whose only programme of measures was that the erring Democrats should be ousted and rebuked; and then, when Harrison had been elected, forthwith interpreted the result to mean that they had been commissioned to carry out an elaborate programme of constructive legislation. The party had not been homogeneous enough to venture upon a formulation of active principles before they won the elections; but the elections once gained, they were found ready with a series of reforms.

The campaign of 1840 had been one of unparalleled excitement and enthusiasm, and, when reckoned by electoral votes, the defeat of Van Buren had seemed overwhelming. Nineteen of the twenty-six States had given majorities for Harrison, only seven for Van Buren. But in most of the States the vote had been very close, and Harrison's plurality was only 145,914 out of a total vote of almost two millions and a half. It was the noisy demonstrations of the campaign, still ringing in the ears of the Whigs, that made them deem the recent elections a popular revolution in their favor. A dispassionate examination of

The Whig  
transforma-  
tion.

Significance  
of Whig  
success.

the vote shows that nothing extraordinary had taken place, but only a moderate and equable, though singularly widespread and uniform, re-action from the drastic, and for the time distressing, policy of the Democratic administration. The Congressional elections were a much truer index of the result. In the preceding Congress the two parties had been almost equally matched in the House. In the next House the Whigs were to have a majority of twenty-five, and in the Senate a majority of six.

The recent financial troubles had brought real distress upon the government as well as upon the people, and it was deemed necessary to call an extraordinary session of Congress to devise measures of relief as speedily as possible. The Houses were summoned for the last day of May, and Mr. Clay was ready with a list of the measures which ought to be passed. That list included the repeal of the Independent Treasury Act, the establishment of a new national bank, the raising of a temporary loan, the laying of permanent tariff duties to supply the government with funds, and the distribution among the States of the proceeds of the

Death of  
General  
Harrison.

sales of public lands. General Harrison was an earnest, straightforward, ingenuous man of the people; he enjoyed some military renown, and he had had some training in civil office. He was a sincere Whig, too, and thought that he had been elected to preside over Whig reforms. Mr. Clay's programme would probably have won his approval and support. But a sore disappointment was in store for the party. General Harrison was an old man, nearing his seventieth year; the campaign had been full of excitement and fatigue for him; and when he came to the presidency he shielded neither his strength nor his privacy, but gave up both to the horde of office seekers and advisers who

crowded about him. Even his vigorous and toughened frame could not endure what he undertook ; he suddenly sickened, and exactly one month after his inauguration he died.

### 68. The Vice-President succeeds (1841).

For the first time in the history of the government the Vice-President succeeded to the office of President.

John Tyler. This was a contingency which had been deemed by no means impossible, but for which the congressional leaders had made no provision in their plans. Mr. Tyler seemed of their party only by accident, and illustrated its composite make-up. He belonged to the southern group of public men, was a strict constructionist, and a friend of the system of slavery. He had opposed the re-charter of the Bank of the United States at the same time that he had also opposed Jackson's removal of the deposits. He had maintained during the Missouri debates that Congress had no constitutional right to prohibit slavery in the Territories. He had voted against the "Force Bill" during the nullification troubles of the winter of 1832-1833. He had come to be reckoned among Whigs only because he had refused to submit in all things to the dictation of the Democratic majority ; and he had received the second place on the presidential ticket of 1840 only because they desired to make sure of the somewhat doubtful allegiance of the southern group that were opposing the Democrats. Now that he was President, therefore, the congressional leaders found themselves in a novel and most embarrassing situation. Instead of a President who was their own man, they had a President who was, like many another southern member of the new party, only an eclectic Democrat.

The historian finds it extremely difficult to judge the character and conduct of Tyler as he appears during his

presidency. As gentle and courteous in manner as Van Buren, he seemed to those who ~~had had~~ no experience of his abilities, much less astute, much less a master of policy. It was his instinct, when brought into contact with opponents, to placate antagonisms. There was, moreover, in the general make-up of his faculties, a tendency towards compromise which often wore the unpleasing appearance of vacillation. Those whom he thwarted and offended accused him of duplicity; although his action was not the result of a dishonest spirit but rather of a thoughtful habit of accommodation. His past record in Congress furnished abundant evidence that he was not without courage in acting upon his convictions, and that he held his convictions upon individual questions with no slight degree of tenacity. But in his mind political questions were separate, not members of a systematic body of doctrine, and the aspects of each question changed with changes of circumstance. His mind, without being weak, was sensitive to changes of influence; it was a mind that balanced considerations, that picked and chose among measures.

His unexpected elevation to the presidency, moreover, brought new and subtle influences to bear upon him, which rendered his course of action still more incalculable. He was prompted, doubtless by a small coterie of personal friends and advisers, to believe that by a little shrewdness and a little boldness he could transform himself from an accidental into a regular President, make himself the real leader of a party, and become his own successor. ~~The Whigs were not united~~, and projects for forming new parties amongst them seemed feasible enough. Why might not the President, by making his own choice of measures, commend himself to the country and supersede others in its confidence? Mr. Tyler at once showed himself determined to be a real

President; and in the end marred the whole programme of the congressional leaders. For a time, however, General Harrison's cabinet was retained; and it was made up of safe Whigs, led by the great Whig champion, Daniel Webster, as Secretary of State.

#### 69. The Programme miscarries (1842).

Clay had serious misgivings concerning the new President, but he did not withhold his programme when Congress assembled. The first step was taken The Treasury. without difficulty: a bill repealing the Independent Treasury Act of the previous year was passed, and signed by the President. This was the negative part of the new policy; its necessary complement, according to Clay's Whig doctrine, was the creation of a new national bank. It was here that Tyler proved himself intractable. The situation was one of great embarrassment for him. His votes in Congress had distinctly committed him as an opponent of a national bank, and yet he had been elected Vice-President as the representative of a party whose leaders were committed to a national bank more unequivocally than to anything else. Apparently he had either to desert them or his principles. He attempted to follow a middle course which would deliver him from so unpleasant a dilemma; he necessarily failed, and in failing he brought very serious disorder upon his inchoate party.

Clay would have pressed for a bank of the old pattern, with its central offices in Wall Street, and its branches National Bank Bill. throughout the country. Tyler, however, it was found, could not smother his constitutional scruples on this subject. Like the Jacksonian Democrats, he doubted the power of Congress to establish such a bank. It was given out, however, that he would not oppose a central bank in the District of Columbia, the national government's own home-plot, or the

establishment of branches of this central institution, upon assent being given to their establishment by the States in which they were to be placed. Clay prepared a bill which yielded the point of the location of the central offices of the bank, but which did not provide for state assent to the establishment of branches. The bill passed both houses; the President, after some delay, vetoed it, Veto. August 16, 1841; and the majority in favor of it in Congress was not large enough to pass it over the veto.

Chagrined, and deeply solicitous to prevent the miscarriage of their cherished plans, the Congressional leaders "Fiscal Cor- sought to ascertain what sort of a bank bill the poration." President would sign. After many conferences, it was given out that President Tyler would accept a bill which established a "Fiscal Corporation" (so it was thought politic to call it), with its central offices in the federal District, and with local agencies whose operations should not extend to the full banking functions of deposit and discount, but should be confined to interstate and foreign exchange. It was understood that the principle of such a measure had been discussed and approved by Mr. Tyler and his cabinet; and a bill was drafted which it was hoped he would accept, as free from the objectionable features of the bill he had vetoed. But, though framed as if to meet his views, the new bill did not really yield the point upon which he had most insisted. It did not require the consent of the States to the establishment of branches of the new corporation. Neither did it guard very carefully the sort of business which might take place under the name of "exchange." The Pres- Second veto. ident's personal friends in Congress sought to amend it, but were put aside; and when it came into his hands he promptly disposed of it by a second veto (September 9). No doubt the congressional leaders had been in part misled by persons who had no right to speak for

Mr. Tyler, but his opposition had been anticipated, and by the time the bill reached him he was already deeply exasperated by the outrageous reproaches heaped upon him in Congress. He had involved himself in a very awkward position, and had extricated himself by force rather than with the address of a leader.

Beyond measure disappointed and exasperated, and imprudently hasty in their expressions of resentment, the Whig members of Congress publicly repudiated the President, declaring that "all political connection between them and John Tyler was at an end from that day forth;" and every member of the cabinet at once resigned, except Webster, who was in the midst of delicate diplomatic business which could not be suddenly abandoned. The President had to fill the empty offices as best he could, with men of somewhat looser party ties.

#### 70. Some Whig Measures saved (1842).

The rest of the Whig programme went through without much difficulty. The immediate needs of the Treasury were provided for by a loan and a temporary Tariff Act. A law was passed providing for an annual division of the proceeds of the sales of public lands among the States, though a proviso was attached to it by the friends of low tariff, which in the end prevented it from going into effect. An amendment was incorporated which directed the suspension of the law whenever the tariff duties should exceed twenty per cent. Nevertheless, without the bank measure, the Whig policy was sadly mutilated. The Independent Treasury law had been repealed, but no other fiscal agency was provided for the use of the government: for the remainder of Tyler's term the handling and safe keeping of the revenues of the government remained unprovided for by law, to be managed at the discretion of

Tyler discarded.

Distribution.

Deposit of balances.



the Treasury. Fortunately the management of the administration was in this respect both wise and prudent, and the funds were handled without loss. In the regular session of 1841-1842 Congress passed a permanent Tariff Act. The twenty per cent duty which had been reached July 1, 1842, under the provisions of the compromise tariff of 1833, remained in force only two months. The new Tariff Act, which went into effect on the 1st of September, 1842, again considerably increased the duties to be levied. It had been only after a third trial that this Act had become law. Twice it had been passed with a provision for the distribution of surplus revenue among the States, and twice the President had vetoed it because of that provision; the third time it was passed without the obnoxious clause, and received his signature.

The diplomatic matters which kept Webster at his post when his colleagues were resigning, concerned the long-standing dispute with Great Britain touching the boundary line between the northeastern States of the Union and the British North American Provinces. The treaty of peace of 1783 had not distinctly fixed the boundary line in that quarter, and it had long been in dispute. The dispute was now complicated, moreover, by other subjects of irritation between the two countries, connected with certain attempts on the part of American citizens to assist rebellion in Canada, and with the liberation of certain mutinous slaves by the British authorities in the ports of the British West Indies. The northeastern States, too, were interested in getting as much territory as possible, and were not disposed to agree to moderate terms of accommodation. In August, 1842, by agreement between Mr. Webster and Lord Ashburton, a treaty was signed which accommodated the boundary dispute by running a compromise

Tariff of  
1842.



line across the district in controversy, and which also effected a satisfactory settlement of the other questions at issue. After seeing this treaty safely through the Senate and past the dangers of adverse criticism in England, Mr. Webster also retired from the cabinet.

#### 71. The Independent State of Texas (1819-1836).

Signs were not wanting that the people, as well as the President, were out of sympathy with the Whig policy, and were beginning to repent of the re-action Whig losses. against the Democrats. So early as the autumn of 1841 many state elections went against the Whigs, in States in which they had but recently been successful; and when the mid-term Congressional elections came around, the Whig majority in the House was swept utterly away, supplanted by a Democratic majority of sixty-one. The President, however, reaped no benefit from the change; he had ruined himself as a Democrat without commending himself as a Whig. His Democratic opinions, however genuine, did not commend him to the Democrats, though they were of course glad to avail themselves of the advantages which his defeat of the Whig plans afforded them.

The Senate remaining Whig, the second Congress of Tyler's administration groped about amidst counsellings Lack of harmony. more confused and ineffectual than ever. The want of harmony between the two houses was added to the lack of concert between the President and both parties alike. The legislation effected was therefore of little consequence, except in regard to a question which had so far been in no party programme at all. This was the question of the admission of Texas to the Union.

Texas had originally been part of the Spanish possessions in America, and when the United States acquired

Florida from Spain by the treaty of 1819, Texas had, upon much disputed grounds, indeed, been claimed as Texas and Mexico. part of the Louisiana purchase. This claim had, however, been given up, and a boundary line agreed upon which excluded her (Formation of the Union, § 124). In 1821, before this treaty had been finally ratified by Spain, the Spanish colonists in Mexico broke away from their allegiance, and established themselves in independence. In 1824 they adopted a federal form of government, and of this government the "State of Coahuila and Texas" became a constituent member, under a constitution, framed in 1827, which provided for Emanci- gradual abolition of slavery and prohibited pation. the importation of slaves. But presently immigration transformed Texas from a Spanish into an American community. More and more rapidly, and in constantly augmenting numbers, settlers came in from the southern States of the Union, bringing their slaves with them, in despite of the Texan constitution. By 1833 the Americans had become so numerous that they made bold to take things in their own hands, and form a new constitution upon their own pattern. This constitution was never recognized by the Mexican government; but that mattered little, for the American settlers were presently to have a government of their own. In 1835 Santa Anna, the Mexican President, undertook to overthrow the federal constitution, and reduce the States Secession. to the status of provinces under a centralized government. Texas at once seceded (March 2, 1836); Santa Anna, with five thousand men, was defeated by seven or eight hundred Texans, under General Sam Houston, in the battle of San Jacinto (April 21, 1836); and an independent republic was formed, with a constitution establishing slavery. It was almost ten years before Mexico could make up her mind to recognize the

independence of the revolted State; but the commercial States of Europe, who wanted the Texas trade, and those politicians in the United States who wanted her territory, were not so long about it. The United States, England, France, and Belgium recognized her independence in 1837. Her recognition by the United States had been brought about by her friends through Jackson, without the consent of Congress.

## 72. First Steps towards Annexation (1837-1844).

It was no part of the ambition of Texas to remain an independent State. The American settlers within her borders had practically effected a great conquest of territory, and it was their ardent desire to add this territory which they had won to the United States. Hardly had they achieved separation from Mexico when they made overtures to be admitted into the Union. But this was by no means easily to be accomplished. To admit Texas would be to add to the area of slavery an enormous territory, big enough for the formation of eight or ten States of the ordinary size, and thus to increase tremendously the political influence of the southern States and the slave-holding class. For this the northern members of Congress were not prepared. While public opinion in the North had no taste for any policy in derogation of the compromises of the Constitution, it had, ever since the debates on the Missouri Compromise, been steadily making in favor of a limitation of the area of slavery, its exclusion from as large a portion as possible of the national domain. John Quincy Adams, now grown old in his advocacy of the right of the anti-slavery men to be heard in Congress, was looking about for some successor, and had been joined in the House by Joshua R. Giddings.

a sturdy young pioneer from the Western Reserve of Ohio. Giddings had out-Adams'd Adams in offering obnoxious petitions and resolutions, had been censured by the House; had thereupon resigned his seat, and been triumphantly re-elected by his constituents, — sent back to do the like again. There was too much feeling, too keen an anxiety about the slavery question, to make additions to slave territory just now easy, even if they should ever prove to be possible.

Van Buren, after seeming to dally with the question a little, had read the signs of the times, and declined the overtures of the Texans for annexation. *Tyler's policy.* Tyler was naturally more favorable to the project.

By birth, training, and sympathy every inch a southerner, he shared to the full the principles, if not the boldness, of the southern men of the stronger and sterner type, like Calhoun. He suffered himself to be led into negotiations with Texas. These negotiations were throughout the whole of their progress kept secret; Congress heard not a word of them until they were completed. Secrecy agreed well with the very delicate nature of the business, and favored the negotiations; open discussion would almost certainly have defeated them. Foreign nations

*Arguments for annexation.*

were courting Texas for the sake of commercial advantage. Calhoun believed that England was seeking by every means to attach Texas to herself, if not actually to take possession of her. Mexico, it now appeared, at last despairing of recovering the territory, was straining every nerve to separate Texas from the United States, offering recognition of her independence in exchange for a promise from her to remain separate and independent. The slave interest was clamorous for the territory; so also were the speculators who held Texas land-scrip. To annex this great slave State might be too great a concession to slavery; but would it

not be worse to allow her to remain separate, a rival at our doors, and a rival free, and likely, to ally herself with European powers? Since our own people had taken possession of her, must not our government do so also?

Fostered and advanced by whatever motives, the secret negotiations prospered, and in April, 1844, the President startled the politicians by submitting to the Senate a treaty of annexation which he had negotiated with the Texan authorities. It was rejected by a decisive vote (16 to 35). Many even of those who approved of the proposal did not like this way of springing it suddenly upon the country after whispered negotiations, — particularly when it proceeded from a President who belonged to neither party. But the President had, at any rate, made the annexation of Texas a leading issue of politics, concerning which party platforms must speak, in reference to which party candidates must be questioned and judged, by which votes must be determined.

### 73. Presidential Campaign of 1844.

The treaty had been held in committee till the national conventions of the two parties should declare themselves. Both conventions met in Baltimore, in May, to name candidates and avow policies. The Whigs were unanimous as to who should be their candidate: it could be no one but Henry Clay. Among the Democrats there was a very strong feeling in favor of the renomination of Van Buren. But both Clay and Van Buren had been asked their opinion about the annexation of Texas, both had declared themselves opposed to any immediate step in that direction, and Van Buren's declaration cost him the Democratic nomination. He could have commanded a very considerable majority in the Democratic convention, but he did not command the two-thirds majority required by

its rules, and James K. Polk of Tennessee became the nominee of the party. The convention having now committed itself, the Senate was allowed, June 8, to vote on the treaty, and rejected it.

Henry Clay was well known to have spent his life in advocating the lines of policy now clearly avowed by the Whigs; James K. Polk, though as yet little known by the country, proved an excellent embodiment of the principles of the Democrats. He had been well known in the House of Representatives, over which he had presided as Speaker, and where he had served most honorably, if without distinction. He was a southerner, and fully committed in favor of annexation. Though in no sense a man of brilliant parts, he may be said to have been a thoroughly representative man of his class, a sturdy, upright, straightforward party man. He believed in the policy for which his party had declared, and he meant, if elected, to carry it out.

The two party "platforms" were both of them for the most part old, embodying the things which everybody understood Whigs and Democrats to stand for. The only new matter was contained in the Democratic platform, in a resolution which demanded "the re-occupation of Oregon, and the re-annexation of Texas, at the earliest practicable period;" and this proved the make-weight in the campaign. It was clear what Polk meant to do; it presently became less clear what Clay meant to do. Clay had fatal facility in writing letters and making explanations. Again and again did he explain his position upon the question of annexation, in a vain endeavor to please both sides. Many, the Abolitionists among the number, concluded that an open enemy was more easily to be handled than an unstable friend. The "Liberty Party," the political organization of the Abolitionists, commanded now, as it turned out,

more than sixty thousand votes; and it was made up of men who had much more in common with Whigs than with Democrats. It put a candidate in the field, and attracted many votes which Mr. Clay needed for his election. Fifteen States were carried for Polk, only eleven for Clay. Polk's majority in the electoral college was sixty-five. Almost everywhere the majorities had been narrow. Had the "Liberty" men in New York voted for Clay, he would have been elected. Many things had entered into the determination of the result, but the question of the admission of Texas into the Union was undoubtedly the decisive issue of the campaign.

Tyler hastened to be beforehand with the new administration. A joint resolution in favor of the annexation of Texas was urged in both houses, was passed, and was signed by the President, March 3, 1845. This resolution adopted the Missouri Compromise line (36° 30' north latitude) with regard to the extension of slavery within the new territory; for it was assumed that the territory of Texas included all of the Mexican country lying to the north between the Rio Grande and the boundary lines fixed by the Spanish treaty of 1819.

Texas ad-  
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#### 74. The Oregon Question (1844-1846).

For a short time it looked as if the Democratic policy of territorial aggrandizement would cost the country two wars; but fortunately one of these wars was avoided, and that the one most to be dreaded. The Democrats had coupled Oregon with Texas in the resolution passed by their convention, in order to please the Northwest as well as the South. They had succeeded only too well: a strong feeling had been created in favor of pressing a very doubtful claim. The boundaries of the "Oregon country," as well as the right to the posses-

Rival claims.



sion of it, were very inconclusively established. Russian fur-traders had occupied a part of the region to the north, but Russia, by treaties with the United States and England in 1824 and 1825, had relinquished all claim to any part of the territory south of  $54^{\circ} 40'$  north latitude. The claims of the United States rested in part upon the treaty of 1819, which had fixed latitude  $42^{\circ}$  as the northern limit of the Spanish possessions and so had made the United States assignee to Spain's claims northward of that line. The region lying between  $42^{\circ}$  and  $54^{\circ} 40'$  was the special "Oregon country" claimed by both England and the United States. English fur-traders had occupied this region to some extent and were established upon the Columbia River, at which accordingly Great Britain desired to fix the boundary. The United States had made official surveys south of  $49^{\circ}$ , and, since 1842, emigrants from the United States were entering that district in considerable numbers. The too-spirited policy of the Democrats in 1844 induced the hot-headed among them to start the cry "Fifty-four Forty or fight" ( $54^{\circ} 40'$ ); and for a time a war seemed scarcely avoidable, such was the feeling aroused in the country. But more prudent counsels in the end prevailed, and sensible concessions by both sides led (1846) to the conclusion of a treaty whereby  $49^{\circ}$  north latitude was finally fixed upon as the boundary between the United States and the British possessions. At last the northern boundary line of the Union, hitherto vague beyond the Rocky Mountains, was completed to the Pacific.

## 75. The Texan Boundary Dispute (1845-1846).

Our difficulties with Mexico with regard to the territory to be absorbed into the United States along with **Texan claim.** Texas were not so easily settled. With England, which was strong, we were ready to compound differences; from Mexico, which was weak, we were disposed to snatch everything, conceding nothing. Texas had been a member of the federal republic of Mexico as part of the compound "State of Coahuila and Texas," but it was only Texas, not Coahuila, that had seceded from Mexico, and Texas extended to the southwest only so far as the Nueces River. Texas did indeed claim the territory of Coahuila, at least as far as the river Rio Grande; but she had not been successful in establishing that claim. She also claimed that on the north and west her territory extended from the sources of the Rio Grande due north to latitude 42°; but on this side, too, her claims were asserted rather than established. After having admitted Texas to the Union, the United States government was bound to make up its own mind as to the legitimate extent of Texan territory. President Polk very promptly decided what should be done. After Texas had accepted the proposition to enter the Union, **Troops sent forward.** under the joint resolution passed by Congress during the last days of Tyler's term, but before her entrance was formally complete, President Polk ordered General Zachary Taylor to cross the Nueces River and occupy its western bank with a force of United States troops. Taylor obeyed; and his force, which at first consisted of only about fifteen hundred men, was, in the course of the summer of 1845, increased to nearly four thousand. For six months nothing was done; the Mexicans made no hostile movement.

In December, 1845, Texas became a State of the Union.

Early in the following year the President, without consultation with Congress, which was then in session, took the responsibility of ordering General Taylor Taylor's advance. to advance to the Rio Grande, to a point threatening the Mexican town of Matamoras, on the opposite side of the river. Again, of course, Taylor obeyed orders without question. Arista, the Mexican general, demanded his retirement to the Nueces: Taylor refused to withdraw; the Mexicans crossed the river, and on April 23, 1846, ambushed a small body of American dragoons. A few days later an army of six thousand men met Taylor's force of twenty-three hundred Palo Alto and Resaca de la Palma. at Palo Alto, attacked it, and were repulsed. The next day Taylor attacked Arista at Resaca de la Palma and drove him in disastrous defeat back across the river, and, himself passing the Rio Grande, captured Matamoras. "Mexico," declared the President's message of May 11, 1846, "has passed the boundary of the United States, . . . and shed American blood upon American soil. War exists, and exists by the act of Mexico herself."

Upon the eve of these affairs Mexico had been filled with civil disorders, and possibly it had not been expected that she would resist the aggressions Santa Anna's intrigue. of the United States to the point of actual war. Our government tried to weaken her still further by assisting her to another revolution; but that provident intrigue miscarried. It only substituted the able and astute Santa Anna, an old and implacable enemy of the United States, for the much less capable Paredes as head of the Mexican power.

#### 76. War with Mexico (1846-1848).

Congress accepted the assertion that Mexico had begun the war, as convenient, whether true or not, and pro-

vided for the expenses of the conflict as for any necessity. A formal declaration of war was resolved upon on

**Declaration of war.** May 13, 1846, before the news of Palo Alto and

**Resaca de la Palma** had reached Washington; and the President was authorized to call for fifty thousand volunteers for one year. September 19-23, the Americans, by slow and stubborn fighting, took the strongly placed and heavily fortified city of Monterey,

some nineteen miles south of the Rio Grande.

**Monterey.** February 22 and 23, 1847, Santa Anna, with a force probably numbering at least twelve thousand men, attacked Taylor's force, which then numbered fifty-two

hundred, on the broken plain of Buena Vista, but, failing to gain any advantage, withdrew to the defence of his capital, the City of Mexico. He

had thought to destroy Taylor while he was weak; for in November, 1846, General Winfield Scott had been appointed to the chief command in Mexico, to which his military rank entitled him, and January had brought a call for the greater part of Taylor's troops to assist the commander-in-chief in an invasion of Mexico from Vera Cruz on the coast. The operations in the north ended with the battle of Buena Vista.

General Scott began his operations with a force of about twelve thousand men. He had chosen a hard road

to the Mexican capital, but the dogged valor and alert sagacity of his men made every-

thing possible. The fleet which carried his troops came

to anchor near Vera Cruz on the 7th of March, 1847, and on the 27th of the same month Vera Cruz had

surrendered, having been taken without great

difficulty. In the middle of April began the march of two hundred miles northwestward to the City

of Mexico. On the 18th Scott forced the rough

mountain pass of Cerro Gordo. On the 10th of August,

after a delay caused by fruitless negotiations for peace, the City of Mexico was in sight from the heights of the Rio Frio Mountains. Selecting the weaker side of the city, which lay amid a network of defences and surrounded on all sides by marshy ground which could be crossed only upon causeways, the Americans slowly, by dint of heroic courage and patience, drove the Mexicans from one position of defence to another until Chapultepec. finally the great fortress of Chapultepec was taken by storm (September 13) and the city captured. The occupation was complete by the 15th, and there was no further resistance anywhere by the Mexicans. At every point the American troops had fought against heavy odds. They were most of them only volunteers, and they had fought against a race full of courage, spirit, and subtlety. Their success was due to their moral qualities, — to their steady pluck and self-confidence, their cool intelligence, their indomitable purpose, their equal endowments of patience and dash.

#### 77. The Wilmot Proviso (1846).

Not satisfied with seizing all that Texas claimed on the south and west, Mr. Polk and his advisers had turned covetous eyes towards Mexico's undisputed possessions on the northwest. During the spring and summer of 1846 small military expeditions were sent out against New Mexico and California, which they occupied without difficulty, being assisted in the seizure of California by a fleet under Commodores Sloat and Stockton. The end of the war, consequently, found the United States in possession of all the territory that Texas had ever claimed, and of as much more besides. The treaty which ended this war of ruthless aggrandizement was signed at Guadalupe Hidalgo, Feb. 2, 1848. The United States agreed

New Mexico  
and Califor-  
nia.

Treaty of  
Guadalupe  
Hidalgo.

to pay Mexico fifteen million dollars for the provinces of New Mexico and California, which Mexico ceded; Mexico gave up all claim to Texas; and the Rio Grande was established as the southwestern boundary of the United States.

The northern boundary of Texas was still unsettled; the State still claimed all the territory that lay directly north of her as far as the forty-second parallel of north latitude, and the federal government could not in consistency deny the claim after it had served as a pretext for the seizure of the Mexican provinces. The purchase of her title became one of the features of the compromise legislation of 1850.

The ultimate outcome of the war had not been deemed doubtful at any time, and the opponents of slavery had very early determined to make every effort to exclude that institution from any territory that the United States might acquire outside of Texas. In the North, Whigs and Democrats alike were anxious that all new territories should be kept free. Accordingly, early in August, 1846, when Congress was considering a money vote of two millions "for the settlement of the boundary question with Mexico" (which was understood to mean the acquirement of additional territory), David Wilmot, a Democratic member of the House from Pennsylvania, offered an amendment which became famous as the "Wilmot Proviso." Following the language of the Ordinance of 1787 for the government of the Northwest Territory, it provided that in any territories that might be acquired from Mexico, neither slavery nor involuntary servitude should exist, except for judicially determined crime. It passed the House, but reached the Senate late, and was lost by the dilatory speech of a senator who probably favored it.

The question which it involved was to come up again

and again, and was destined speedily to break both of the old national parties in pieces. **The slavery question** had at last brought politics into a period of critical change. It had forced upon the Democrats, the party of strict construction, a war of conquest hardly consistent with any possible construction of the Constitution. It was presently to bring utter destruction upon them.

### 78. **The Rest of the Democratic Programme (1846-1847).**

In all other points of policy the Democrats had acted quite resolutely in accordance with their avowed principles. In July, 1846, Congress, which was Democratic in both branches, passed a Tariff Act which may be said substantially to have conformed to the professed Democratic ideal of a tariff of which the purpose was revenue rather than protection. It by no means established free trade, but, grouping dutiable articles under four several classes (known as schedules A, B, C, and D), it put all those articles which usually claimed protection under a duty of only thirty per cent. Cottons were put in class D, subject to a duty of twenty-five per cent; while tea and coffee, which would naturally have been chosen for taxation, had this been a tariff "for revenue only," and not also incidentally for protection, were put upon the free list. The new law was to go into effect on December 1. August 6, 1846, another step was taken towards the accomplishment of the full Democratic programme. On that day a new Independent Treasury Act, corresponding in all essential points with that of July, 1840, became law. The measure for which Van Buren had struggled so long, and on account of which he had sacrificed his chance for another term of office, was at last made a permanent part of the

financial policy of the government. It has never since been altered in any essential feature.

The tariff was not again tampered with until 1857. Not even the expenses of the Mexican War could drive Revenue Congress either into increasing the tariff duties policy. for the sake of a larger revenue, or into connecting the government again with the banks for the sake of a serviceable currency. Both objects were thought to be sufficiently accomplished by large issues of interest-bearing treasury notes, and no further banking experiments were tried.

In the second Congress of Polk's administration, chosen in the autumn of 1846, with the Mexican War Elections coming on, the Democratic majority in the of 1846. ~~House had disappeared~~; there were 117 Whigs to 108 Democrats. But the Senate was still strongly Democratic, and the only result of the elections was that it became harder than ever to hit upon any policy for the government of the territories acquired from Mexico.

### 79. Slavery and the Mexican Cession (1846-1848).

The "Wilmot Proviso" was at once a symptom and a cause of profound political changes. It would seem that at first there was no serious opposition to the principle which it involved. It was objected to, rather, as unnecessary, and as imprudent, because provocative of dangerous controversy. Slavery was already prohibited by Mexican law within the territories affected: why raise the question, therefore; why take any steps concerning it? The bill to which the proviso was attached had passed the House promptly and without difficulty, and it was the action of a minority only that prevented the Senate from accepting it also. But delay changed everything. The more the party leaders thought

Arguments  
for the  
Proviso.



about the question involved, the less they relished the idea of taking any decisive step with regard to it.

During the session of 1846-1847, independent bills were passed by the two houses, appropriating three millions for the settlement of the boundary disputes, instead of the two millions which had failed of appropriation in the previous session because of the proviso. In the Senate a bill passed without the proviso; in the House a bill which included it. The Senate bill finally prevailed. At the same time Oregon was dragged into the controversy. A bill providing for the organization of that Territory without slavery, originated in the House, failed in the Senate. Before the war of measures could be renewed, the Mexican struggle was over, and the treaty of Guadalupe Hidalgo had given us the vast territory then known as New Mexico and California, but covering not only the California and New Mexico of the present map, but also Nevada, Utah, Arizona, and portions of Colorado and Wyoming. Some government was imperatively necessary for these new possessions.

Meantime a few Democrats had invented a new doctrine, which promised a way of escape from the calamity of party division. This was the doctrine of "Squatter sovereignty" "squatter sovereignty." "Leave the question in abeyance; let the settlers in the new territory decide the question as between slavery or no slavery for themselves. It is a question of internal, not of national policy, to be determined by new States, as by the old, upon the principles of independent local self-government." The Whigs had no such doctrinal escape; neither could they keep together on the question. Southern Whigs would vote one way, northern Whigs another, along with the small body of Democrats who stood by Mr. Wilmot and his proviso.

August 12, 1848, after debates which had raged ever since May around the question of the organization of Oregon and the new Mexican territories, a bill at last became law which gave Oregon a regular territorial government, and which extended to her that provision of the ordinance of 1787 which prohibited slavery; but California and New Mexico were still left without a permanent organization.

### 80. Presidential Campaign of 1848.

Thereupon ensued the presidential election of 1848, which made the effects of this question upon politics very painfully evident. Significant things happened during the months of preparation for the campaign. In the first place, the two regular parties refused to commit themselves upon the real question of the day. The Democratic national convention met first in Baltimore, May 22, 1848; nominated for President Lewis Cass of Michigan, one of the safest and most intelligent of its more conservative leaders; and adopted a platform which simply repeated its declarations of principle of 1840 and 1844. A resolution to the effect that non-interference with property in slaves, whether in the States or in the Territories, was "true republican doctrine," the convention rejected by the overwhelming vote of 216 to 36. It would not commit itself in favor of slavery in the Territories. The Whig convention would commit itself to nothing. Falling back upon the policy which they had so successfully pursued in 1840, the Whigs nominated a plain man who had gained distinction as a soldier, and made no declaration of principles whatever. Their candidates were, for President, General Zachary Taylor of Louisiana (a native of Virginia); for Vice-President a Mr. Millard Fillmore of New York.

But it was not alone the timid, non-committal policy of the two great parties which was significant. There had come from New York to the Democratic convention two delegations. One of these represented the non-committal wing of the party, dubbed "Hunkers" in New York. The other represented the numerous Democrats in that State known as "Barnburners," who stood with Van Buren in holding explicit opinions as to what ought to be done. The nickname "Barnburners" is said to have been bestowed upon this radical wing of the Democrats by way of reference to a story, much told upon political platforms at that time, of the Dutchman who burned his barn to rid it of rats. Were they willing to destroy the party to get rid of slavery in the Territories? When the convention, with characteristic weakness, voted to admit both these delegations and to divide the vote of the State between them, both withdrew.

Nor was this the end of the matter. The withdrawal of these delegations from the Democratic convention was a signal for independent action, a revolt against the regular party nominations. In June the "Barnburners" held a convention of their own, in which they were joined by delegates from Massachusetts, Connecticut, Ohio, and Wisconsin, and nominated Mr. Van Buren for the presidency. In August Mr. Van Buren was again nominated, by a new party, born in a convention composed of four hundred and sixty-five delegates, representing eighteen States, which met at Buffalo, at the call of citizens of Ohio. The resolutions adopted by this convention admirably formulated the issues of the future struggle. They declared for "free soil for a free people." They proposed "no interference by Congress with slavery within the limits of any State," for there it rested, they acknowledged, "upon

Bolt of the  
"Barnburn-  
ers."

The "Free-  
Soilers."

state laws which could not be repealed or modified by the federal government ;" but they maintained that Congress had "no more power to make a slave than to make a king, to establish slavery than to establish a monarchy," and that the existence of slavery ought to be specifically forbidden in the Territories. Other resolutions declared for principles, such as internal improvements, which sounded much more Whig than Democratic. The Liberty, or Abolitionist, party had held its third convention the preceding November, and had nominated John P. Hale of New Hampshire ; but upon the nomination of Van Buren by the "Barnburners," Mr. Hale withdrew. The Free Soil party absorbed the Liberty party, henceforth they are practically one and the same, and the more radical programme of abolition is replaced by the more practicable programme of the exclusion of slavery from the Territories. The final contest is taking shape.

The split in the Democratic party in New York was decisive of the result of the presidential election. Outside

The election. of New York the Free-Soil vote drew strength away from the Whigs rather than from the

Democrats: it was New York that decided the choice.

The Democratic vote being divided between Cass and Van Buren, her thirty-six electoral votes went to Taylor and

Fillmore; and thirty-six was exactly the Whig majority in the electoral college, where the vote stood 163 for Taylor,

127 for Cass. The popular vote was very close, neither candidate having a majority, because of the 291,263 votes cast for Van Buren. In the slowly changing Senate there

was still to be a large Democratic majority, but in the House nine Free-Soilers were to hold the balance of

power. The disintegration of parties was presaged by the vote of the South in the election. Six southern States

(South Carolina, Georgia, Florida, Kentucky, Tennessee, and Louisiana) had voted for Taylor, a southerner and

slave-holder, rather than go with the Democrats for Cass and a declaration of principles from which their own doctrine of non-interference with slavery in the Territories had been pointedly excluded.

The new feelings and purposes aroused by the campaign and election showed themselves at once, in the Territorial short session of Congress, during the closing dispute. months of Polk's term of office. The House now instructed a committee to prepare measures for the organization of New Mexico and California, upon the principle of the exclusion of slavery, and a bill for California was framed and passed. But the Senate would have nothing to do with it, and the session closed without action upon the issue now so rapidly coming to a head.

## CHAPTER VII.

THE TERRITORIES OPENED TO SLAVERY  
(1848-1856).

## §1. Political and Economic Changes (1840-1850).

THERE were many symptoms of the coming in of new events and forces. The so-called Dorr Rebellion in Rhode Island marked the imperative force of the agencies that were operative throughout the country in the direction of a broad, democratic structure of government. The constitution of Rhode Island very narrowly restricted the suffrage, excluding from the elective franchise quite two-thirds of the men of voting age in the State, and the state authorities stubbornly resisted all liberal change. In the winter of 1841-1842, accordingly, revolutionary methods of reform were resorted to by the popular party, under the leadership of one Thomas W. Dorr. And though revolution was prevented, the reforms demanded were forced upon the party of order.

The same period witnessed serious troubles of another kind in New York. There the heirs of certain of the old Dutch patroons, who held title to large portions of several of the counties lying along the Hudson River, still insisted upon the payment of rents in kind. They were at last obliged to consent to the extinguishment of their rights by sale, because of the absolute refusal of the tenants to pay for anything but a fee-simple. The affair as a whole was as significant of

economic tendencies as the Dorr Rebellion of the tendencies of politics. Manhood suffrage and freehold titles were to be the permanent bases of our social system.

Almost simultaneously with the conclusion of the treaty of Guadalupe Hidalgo, gold was discovered in California, and before the census of September, 1850, more than eighty thousand settlers had gone thither in search of treasure. California had a great population and was ready to become a State before the politicians had gotten ready to organize her as a Territory.

Meantime change and development were proceeding, everywhere but in the South, with increasing rapidity and momentum. In 1844 Morse's electric telegraph was put into successful operation between Baltimore and Washington, just in season to keep the Democratic members

of Congress apprised of what their party convention was doing in Baltimore. During the decade 1840-1850 more than six thousand miles of railway were built,—an increase of more than two hundred per cent over the preceding decade; and now, with the assistance of the electric telegraph, systems of communication could be both safely extended and readily diversified. The population of the country increased during the period from seventeen to twenty-three millions, and the steady advance of settlement is shown by the admission of three States besides Texas. Florida entered the Union March 3, 1845, Iowa December 28, 1846, Wisconsin May 29, 1848,—two free States offsetting two slave States.

### 82. Immigration (1845-1850).

Now at length, moreover, immigration was beginning to tell decisively upon the composition of the population.

Until the year 1842 the total number of immigrants in any one year had never reached one hundred thousand, and in 1844 it had fallen to seventy-eight thousand. But in 1845 a notable increase began: the number of immigrants exceeded 114,000; in 1846 it was more than 154,000; and in 1847 it was 234,968. Almost the whole decade was a period of disquietude and crisis in Europe. 1846 and 1847 were the years of the terrible famine in Ireland, and much of the immigration of the time came from that unhappy country. 1848 brought a season of universal political disturbance throughout Europe; and by 1849, the number of immigrants had risen to 297,024. But the causes which brought foreigners in vast numbers to our shores proved not to be temporary. The huge stream of immigrants continued to flow in steady volume until checked by war. And it had its deep significance as a preparation for the war which was at hand. These new comers swelled the national, not the sectional, forces of our politics; they avoided the South, where labor was in servitude, for they were laborers; they crowded into the northern cities, or pressed on into the great agricultural region of the Northwest, hastening that development and creating those resources which were to be the really decisive elements in the coming struggle between the slave section and the free section.

The infusion of so large a foreign element, moreover, quickened the universal movement and re-settlement of the population which the railways were contributing to make easy and rapid, and added stimulation to the spirit of enterprise in new undertakings which the prevalent prosperity was everywhere encouraging. It tended, too, to deepen that habit of change, of experiment, of radical policies and bold proposals, which was bringing the people into a frame of mind to welcome



even civil war for the sake of a reform. So long, too, as a vast growth and movement of population continued to be one of the chief features of the national life, the question of free soil would continue to be a question of pre-eminent importance, of immediate and practical interest, which could not be compromised without being subsequently again and again re-opened.

Invention still kept pace with industrial needs. The power-loom, invented in 1785, was improved by Crompton in 1837. A fully practicable sewing machine was patented in 1846. The rotary printing press was invented in 1847. Piece by piece the whole mechanical apparatus of quick, prolific work, and of the rapid communication of thought and impulse, was being perfected. The

*The South.* South felt these forces, of course; it felt, too,

with genuine enthusiasm, the inspiration of the national spirit and idea. Southern politicians, indeed, were busy debating sectional issues; but southern merchants presently fell to holding conventions in the interest of the new industrial development. These conventions spoke very heartily the language of nationality; they planned railways to the Pacific; they invited the cooperation of the western States in devising means for linking the two sections industrially together; they hoped to be able to run upon an equality with the other sections of the country in the race for industrial wealth. But in all that they said there was an undertone of disappointment and of apprehension. They wished to take part, but could not, in what was going forward in the rest of the country. They spoke hopefully of national enterprise, but it was evident that the nation of which they were thinking when they spoke was not the same nation that the northern man had in mind when he thought of the future of industry.

83. *Issue joined upon the Slavery Question (1849).*

During the year 1849 a deep excitement settled upon the country. The difficulty experienced by Congress in fixing upon a policy with regard to the admission of slavery into the new Territories, the serious disintegration of parties shown by the presidential campaign of 1848, the rising free-soil spirit in the North, and the increasing pro-slavery aggressiveness of the South, were evidently bringing the whole matter to a critical issue.

Sectional  
division.

The sectional lines of the contest had been given their first sharp indication during the discussion upon the admission of Texas to the Union. "Texas or disunion" was the threat which the hotter headed among the southern annexationists had ventured to utter; and some of the northern Whigs had not hesitated to join John Quincy Adams, early in 1843, in declaring to their constituents that in their opinion the annexation of Texas would bring about and fully justify a dissolution of the Union; while later, in 1845, William Lloyd Garrison had won hearty bursts of applause from an anti-annexation convention, held in Boston, by the proposal that Massachusetts should lead in a movement to withdraw from the Union. Upon the first defeat of the Wilmot Proviso in the Senate in 1846, the legislatures of most of the northern States, and even the legislature of Delaware, had adopted resolutions in favor of the proviso, members of both the national parties concurring in the votes; while with even greater unanimity and emphasis, the southern legislatures had ranged themselves on the other side.

In February, 1847, Calhoun had presented in the Senate a set of resolutions which affirmed that, inasmuch as

Calhoun's  
position.

the Territories were the common property of all the States, Congress had no constitutional right whatever to exclude slaves from them, the legal

property of citizens of so many of the States of the Union. Privately he had gone even further, and suggested to his friends in the South the co-operation of the southern States, acting in formal convention, in closing their ports and railways against commerce with the northeastern States, while encouraging intercourse and trade with the northwestern, until justice should be done in the matter of the Territories. It might be possible thus to divide the opposing section upon grounds of interest. The only just course, it came to be <sup>Demands of the South.</sup> thought in the South, was one of complete non-intervention by Congress. The southern men asked "simply not to be denied equal rights in settling and colonizing the common public domain;" and that, when States came to be made out of the Territories, their people "might be permitted to act as they pleased upon the subject of the status of the negro race amongst them, as upon all other subjects of internal policy, when they came to form their constitutions." Before the final compromise of 1850 was reached, the legislatures of most of the southern States had, in one manner or another, directed their governors to call state conventions, should the Proviso be adopted by Congress, in order to take, if necessary, concerted action against a common danger. It was ominous of the worst that the chief questions of politics should have become thus sectionalized. It was the first challenge to the final struggle between the radically diverse institutions of the two sections, — the section which commerce, industry, migration, and immigration had expanded and nationalized, and the section which slavery and its attendant social institutions had kept unchanged and separate.

As yet the real purposes of parties, however, had not reached their radical stage. As yet the Abolitionists, with their bitter contempt for the compromises of the Con-

stitution, their ruthless programme of abolition whether with or without constitutional warrant, and their readi-

ness for separation from the southern States should abolition prove impossible, had won but scant sympathy from the masses of the people,

or from any wise leaders of opinion. The Free Soilers were as widely separated from them as possible both in spirit and in opinion. They had no relish for revolution, no tolerance for revolutionary doctrine, as their im-

pressive declaration of principles in 1848 conclusively attested. The issue was not yet the existence of slavery within the States, but the admission of slavery into the

Territories. The object of the extreme southern men was to gain territory for slavery; the object of the men

now drawing together into new parties in the North was to exclude slavery altogether from the new national domain in the West.

#### 84. Independent Action by the Territories (1848-1850).

The controversy was hurried on apace by the discovery of gold in California in January, 1848. From every

California. quarter of the country, across the continent by caravan, around the coasts and across the

Isthmus of Panama, around both continents and the Cape, a great population of pioneers, — a population made up almost exclusively of strong, adventurous, aggressive men,

— poured into the new Territory, establishing camping settlements destined to become great cities, improvising laws and their administration, almost unconsciously creat-

ing a great frontier State. To General Taylor, the new President, as he witnessed this great develop-

Taylor's policy. ment, it seemed the simplest way out of the difficulty of organizing governments in the new possessions to arrange that the several communities of settlers there should form state constitutions for themselves, and come

into the Union with institutions of their own choosing. Accordingly, he sent a confidential agent to California to act with General Riley, the provisional military governor, in organizing such a movement among the settlers, and to encourage them to make immediate application to Congress for admission into the Union. In the autumn of 1849 a constitution was framed which prohibited slavery; a state government was formed at once under the new instrument; and General Riley withdrew. The people of New Mexico, under similar direct stimulation from the President, adopted a state constitution early in the following year. The Mormons of Utah so long ago as March, 1848, had framed a form of government for a State of their own, which they desired to call "Deseret." Apparently the Territories were to be beforehand with Congress in determining their institutions and forms of government.

When Congress met, December 3, 1849, its first difficulty was to organize. So nice was the balance of parties, so strong the disposition to independent action, that nearly three weeks were consumed in the effort to elect a Speaker. The President very frankly avowed his views to the houses in regard to the principal question of the day. He said that he had himself advised the new Territories to form state governments; that California had already done so; and that he thought that she ought to be admitted at once. He advised Congress, too, to wait upon the action of New Mexico in framing a constitution before taking any resolution with regard to that portion of the new domain. But the party leaders, lacking the President's soldierly definiteness of purpose and directness of action, were only made uneasy, they were not guided, by his outspoken opinions. During all the autumn, southern governors had been talking plainly to their legislatures of secession;

and although the legislatures held back from every extreme policy, they were uttering opinions in response which made politicians anxious. What between the extremists of the North who urged disunion, and the extremists of the South who threatened it, the politician's life was rendered very hard to live.

### 85. Compromise debated (1850).

It was under these circumstances that Henry Clay came forward, with the dignity of age upon him, to urge measures of compromise. He proposed, Jan. 29, 1850, that Congress should admit California with her free constitution; should organize the rest of the Mexican cession without any provision at all concerning slavery, leaving its establishment or exclusion to the course of events and the ultimate choice of the settlers; should purchase from Texas her claim upon a portion of New Mexico; should abolish the slave trade in the District of Columbia, but promise, for the rest, non-interference elsewhere with slavery or the interstate slave trade; and should concede to the South an effective fugitive slave law. The programme was too various to hold together. There were majorities, perhaps, for each of its proposals separately, but there was no possibility of making up a single majority for all of them taken in a body. After an ineffectual debate, which ran through two months, direct action upon Mr. Clay's resolutions was avoided by their reference to a select committee of thirteen, of which Mr. Clay was made chairman. On May 8 this committee reported a series of measures, which it proposed should be grouped in three distinct bills. The first of these, — afterwards dubbed the "Omnibus Bill," because of the number of things it was made to carry, — proposed the admission of California as a State, and the organization of Utah and New Mexico as Terri-

tories, without any restriction as to slavery, the adjustment of the Texas boundary line, and the payment to Texas of ten million dollars by way of indemnity for her claims on a portion of New Mexico. The second measure was a stringent Fugitive Slave Law. The third prohibited the slave trade in the District of Columbia.

This group of bills of course experienced the same difficulties of passage that had threatened Mr. Clay's group of resolutions. The "Omnibus Bill," when taken up, was so stripped by amendment in the Senate that it was reduced, before its passage, to a few provisions for the organization of the Territory of Utah, with or without slavery as events should determine; and Clay withdrew, disheartened, to the sea-shore, to regain his strength and spirits. Both what was said in debate and what was done out of doors seemed for a time to make agreement hopeless. Clay, although he abated nothing of his conviction that the federal government must be obeyed in its supremacy, although bolder and more courageous than ever, indeed, in his avowal of a determination to stand by the Union and the Constitution in any event, nevertheless put away his old-time imperiousness, and pleaded as he had never pleaded before for mutual accommodation and agreement. Even Webster, slackened a little in his constitutional convictions by profound anxiety for the life of the Constitution itself, urged compromise and concession. Calhoun, equally anxious to preserve the Constitution, but convinced of the uselessness to the South of even the Constitution itself, should the institutions of southern society be seriously jeopardized by the action of Congress in the matter of the Territories, put forth the programme of the southern party with all that cold explicitness of which he was so consummate a master. The maintenance of the Union, he solemnly

declared, depended upon the permanent preservation of a perfect equilibrium between the slave holding and the free States: that equilibrium could be maintained only by some policy which would render possible the creation of as many new slave States as free States; concessions of territory had already been made by the South, in the establishment of the Missouri compromise line, which rendered it extremely doubtful whether that equilibrium could be preserved; the equilibrium must be restored, or the Union must go to pieces; and the action of Congress in the admission of California must determine which alternative was to be chosen. He privately advised that the fighting be forced now to a conclusive issue; because, he said, "we are stronger now than we shall be hereafter, politically and morally." A

Still more significant, if possible, — for they spoke the aggressive purposes of a new party, — were the speeches of Senator Seward of New York, and Senator Chase of Ohio, spokesmen respectively of the Free-soil Whigs and Free-soil Democrats. Seward demanded the prompt admission of California, repudiated all compromise, and, denying the possibility of any equilibrium between the sections, declared the common domain of the country to be devoted to justice and liberty by the Constitution not only, but also by "a higher law than the Constitution." While deprecating violence or any illegal action, he avowed his conviction that slavery must give way "to the salutary instructions of economy and to the ripening influences of humanity;" that "all measures which fortify slavery or extend it, tend to the consummation of violence, — all that check its extension and abate its strength, tend to its peaceful extirpation." Chase spoke with equal boldness to the same effect.

Seward was the President's confidential adviser. General Taylor had surrounded himself in his cabinet, not



with the recognized masters of Whig policy, but with men who would counsel instead of dictating to him. Several of these advisers were Seward's friends; and the President, like Seward, insisted that California be admitted without condition or counterbalancing compromise.

The Texan authorities, when they learned of the action of New Mexico in framing a constitution at the President's suggestion, prepared to assert their Southern feeling. claims upon a portion of the New Mexican Territory by military force; the governor of Mississippi promised assistance; and southern members of Congress who called upon the President expressed the fear that southern officers in the federal army would decline to obey the orders, which he had promptly issued, to meet Texan force with the force of the general government. "Then," exclaimed Taylor, "I will command the army in person, and any man who is taken in treason against the Union I will hang as I did the deserters and spies at Monterey." The spirited old man had a soldier's instinctive regard for law, and unhesitating impulse to execute it. There was a ring as of Jackson in this utterance.

#### 86. Compromise effected (1850).

But the spirit of compromise ultimately triumphed. A state convention in Mississippi, held the previous year, Nashville convention. had issued an address to the southern people, proposing that a popular convention of the southern States should meet at Nashville, Tennessee, on the first Monday in June, 1850. The proposition met with favor, and at the appointed time the Nashville convention came together; but instead of threatening Taylor's death. disunion, it expressed a confident hope of accommodation. Within a few weeks thereafter General Taylor was dead. He had imprudently exposed

himself to the sun on the fourth of July; the fever which ensued was at first too little heeded; and on the ninth of July he died,—the type of a brave officer whose work was unfinished.

Once more the Whigs had to accept the second man upon their presidential ticket as President; but Mr. Fillmore did not thwart them, as Tyler had done. ★

Fillmore. He was more docile than the dead President would have been. The cabinet was immediately reconstructed, with Webster as Secretary of State, and the compromise measures prospered in Congress. The new President followed his party leaders. By September 20 the Senate had accepted all the measures that Mr. Clay had proposed. The House followed suit, passing the bills in such order and combination as it chose, and the Compromise of 1850 was complete.

The result was to leave the Missouri compromise line untouched, — for the line still ran all its original length across the Louisiana purchase of 1803, — but to open the region of the Mexican cession of 1848 to slavery, should the course of events not prevent its introduction. The slave trade was abolished in the District of Columbia, but the North was exasperated by the Fugitive Slave Law, which devoted the whole executive power of the general government within the free States to the recapture of fugitive slaves. This part of the compromise made it certain that antagonisms would be hotly excited, not soothingly allayed. Habits of accommodation and the mercantile spirit, which dreaded any disturbance of the great prosperity which had already followed on the heels of the discovery of gold in California, had induced compromise; but other forces were to render it ineffectual against the coming crisis.

While Mr. Clay's compromise committee was deliberating, Mr. Clayton, President Taylor's Secretary of State,

had concluded with the British authorities, acting through their American minister, Sir Henry Lytton Bulwer, the Clayton-Bulwer Treaty which was to be known in the United States as the Clayton-Bulwer Treaty (April 19, 1850), establishing a joint Anglo-American protectorate over any ship canal that might be cut through the Isthmus of Panama. The quick movement of population and trade between the Atlantic and Pacific coasts of the continent which had followed upon the discovery of gold in California had called into existence many projects for opening an easy passage from ocean to ocean through the Isthmus; and England had competed with the United States for the control of this new route of trade by seeking to gain a commanding influence among the petty Central American States. The treaty very fortunately effected an amicable adjustment of the questions of right which might have followed upon further rivalry. But, although a railway was opened across the Isthmus in January, 1855, more than thirty years were to elapse before a ship canal should be seriously attempted.

Six months before the passage of the compromise measures John C. Calhoun was dead, and one of the leading parts in the culminating drama of politics was vacant. He died March 31, 1850, the central month of the great compromise debate. The final turning point had been reached; he had seen the end that must come; and it had broken his heart to see it. A new generation was about to rush upon the stage and play the tragedy out.

### 87. The Fugitive Slave Law (1850-1852).

For a short time after the passage of the compromise measures the country was tranquil. But the quiet was not a healthful quiet: it was simply the lethargy of re

action. There was on all hands an anxious determination to be satisfied, — to keep still, and not arouse again the terrible forces of disruption which had so startled the country in the recent legislative struggle, — but nobody was really satisfied. That the leaders who had made themselves responsible for the compromise were still profoundly uneasy was soon made abundantly evident to every one. Mr. Webster went about anxiously repressing agitation. These measures of accommodation between the two sections, he insisted, were a new compact, a new stay and support for the Constitution; and no one who loved the Constitution and the Union ought to dare to touch them. Mr. Clay took similar ground. Good resolutions were everywhere devoted to keeping down agitation. Party magnates sought to allay excitement by declaring that there was none.

But the Fugitive Slave Law steadily defeated these purposes of peace. The same section of the Constitution which commanded the rendering up by the States to each other of fugitives from justice had provided also that persons "held to service or labor in one State under the laws thereof, escaping into another," should be delivered up on the claim of the party to whom such service might be due; and so early as 1793 Congress had passed a law intended to secure the execution of this section with regard to both classes of fugitives (Formation of the Union, § 79). Apparently it had been meant to lay the duty of returning both fugitives from justice and fugitives from service upon the state authorities; but while considerations of mutual advantage had made it easy to secure the interstate rendition of criminals, there had been a growing slackness in the matter of rendering up fugitive slaves. The Supreme Court of the United States, moreover, had somewhat complicated the matter by de

Uneasiness  
after the  
compromise.

Constitutional  
provisions.

The old law  
ineffective.

cing, in the case of *Prigg vs. Pennsylvania* (1842), that the federal government could not impose upon state officials the duty of executing a law of the United States, as it had sought to do in the legislation of 1793. Local magistrates, therefore, might decline to issue warrants for the arrest or removal of fugitive slaves. In view of the increasing unwillingness of the free States to take any part in the process, the southern members of Congress insisted that the federal government should itself make more effective provision for the execution of the Constitution in this particular; and it was part of the compromise accommodation of 1850 that this demand should be complied with.

Doubtless it would have been impossible to frame any law which would have been palatable to the people of the free States. But the Fugitive Slave Act of 1850 seemed to embrace as many irritating provisions as possible. In order to meet the views of the Supreme Court, the whole duty of enforcing the Act was put upon officers of the United States. Warrant for the arrest or removal of a fugitive slave was to proceed in every case from a judge or commissioner of the United States; this warrant was to be executed by a marshal of the United States, who could not decline to execute it under a penalty of one thousand dollars, and who would be held responsible under his official bond for the full value of any slave who should escape from his custody; all good citizens were required to assist in the execution of the law when called upon to do so, and a heavy fine, besides civil damages to the owner of the slave, was to be added to six months imprisonment for any assistance given the fugitive or any attempt to effect his rescue; the simple affidavit of the person who claimed the negro was to be sufficient evidence of ownership, sufficient basis for the certificate of the court or commissioner;

and this certificate was to be conclusive as against the operation of the writ of *habeas corpus*.

The law, moreover, was energetically and immediately put into operation by slave owners. In some cases negroes who had long since escaped into the northern States, and who had settled and married there, were seized upon the affidavit of their former owners, and by force of the federal government carried away into slavery again. Riots and rescues became frequent in connection with the execution of process under the law. One of the most notable cases occurred in Boston, where, in February, 1851, a negro named Shadrach was rescued from the United States marshal by a mob composed for the most part of negroes, and enabled to escape into Canada.

It was impossible to quiet feeling and establish the compromise measures in the esteem of the people while such a law, a part of that compromise, was being pressed to execution in such a way. Neither Mutual misunderstanding. section, moreover, understood or esteemed the purpose or spirit of the other. "Many of the slave holding States," Clay warned his fellow Whigs in the North, when they showed signs of restlessness under the operation of the Fugitive Slave Law, "and many public meetings of the people in them, have deliberately declared that their adherence to the Union depends upon the preservation of that law, and that its abandonment would be the signal of the dissolution of the Union." But most northern men thought that the South had threatened chiefly for effect, and would not venture to carry out half her professed purpose, should she be defeated. Southern men, on their part, esteemed very slightingly the fighting spirit of the North. They regarded it disdainfully as a section given over to a self-seeking struggle for wealth, and they knew commercial

wealth to be pusillanimous to a degree when it came to meeting threats of war and disastrous disturbances of trade.

### 88. Presidential Campaign of 1852.

It was under such circumstances that the presidential campaign of 1852 occurred. The Democratic convention met in Baltimore on June 1, 1852. **Nominations** The leading candidates for the nomination were Lewis Cass of Michigan, James Buchanan of Pennsylvania, and Stephen A. Douglas of Illinois; but the rule of Democratic conventions which made a two thirds vote necessary for the choice of a candidate, rendered it impossible, as it turned out, to nominate any one of these gentlemen. The convention, therefore, turned by a sudden impulse to a younger and comparatively unknown man, and nominated Franklin Pierce of New Hampshire. Mr. Pierce was a handsome and prepossessing man of forty-eight, who had served his State both in her own legislature and in Congress, and who had engaged in the Mexican War, with the rank of brigadier general; but in none of these positions had he won distinction for anything so much as for a certain grace and candor of bearing. The Whig delegates, who met in convention in the same city on June 16, put aside the statesmen of their party, as so often before, and nominated General Winfield Scott.

**Platforms** The platforms were significant of the critical state of politics. Both Whigs and Democrats added to their usual declaration of principles anxious asseverations of their entire satisfaction with the compromise measures. The Democrats went even further. They declared that they would "faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Resolutions of 1798 and 1799, and the Report

of Mr. Madison to the Virginia Legislature in 1799," — adopting those principles "as constituting one of the main foundations of their political creed," and resolving "to carry them out in their obvious meaning and import." But the principles of opposition which the two great national parties so much dreaded were spoken with

great plainness by the Free Soil convention, which met at Pittsburg, August 11. This party repeated its utterances of 1848, pronounced the Fugitive Slave Law repugnant both to the principles of law and the spirit of Christianity, and announced its programme to be: "No more slave States, no more slave Territories, no nationalized slavery, and no national legislation for the extradition of slaves." The Free Soilers did not command the same strength that they had mustered in 1848, for the country was trying to rest; but scores of Whigs, not yet prepared to vote with this third party, were greatly repelled both by the military candidate of their party and by its slavish acquiescence in the distasteful compromise of 1850. The Democrats, on the other hand, were satisfied both with their party and their candidate, and the election was to bring them an overwhelming triumph.

Before the end of the campaign both Mr. Clay and Mr. Webster were dead. Mr. Clay was on his death-bed when the Whig convention met. He died on the 29th of June, 1852. Mr. Webster followed him on the 23d of October. The great leaders of the past were gone: the future was for new men and new parties.

Although his popular majority was small in the aggregate vote, Mr. Pierce carried every State except four (Vermont, Massachusetts, Tennessee, and Kentucky), and received two hundred and fifty-four electoral votes, to General Scott's forty-two. At the same time the Demo-

Deaths of  
Clay and  
Webster.



cratic majority in the House of Representatives was increased by thirty-seven, in the Senate by six. Before another presidential election came around, the Whig party had practically been ousted from its place of national importance by the Republicans, — the great fusion party of the opponents of the extension of slavery.

### 89. Symptoms of Change (1851-1853).

In the mean time a most singular party pressed forward as a candidate for the vacant place. This was the party which called itself "American," but which its opponents dubbed the "Know Nothing" party. Once and again there had been strong efforts made in various parts of the country against the influence of foreigners in our politics. As immigration increased, these movements naturally become more frequent and more pronounced. They were most pronounced, too, in the cities of the eastern seaboard, into which immigration poured its first streams, and where it left its most unsavory deposits, — where, consequently, municipal misrule was constantly threatening its worst consequences of corruption and disorder. In 1844 "native" majorities had carried the cities of New York and Philadelphia, and had sent from those cities several representatives to Congress. For a short time after that date the feeling disappeared again; but about 1852 it was revived, for its final run of success. The revolutionary movements of 1848-1850 in Europe caused a sudden increase in the immigration of disappointed and turbulent men, apt and ambitious in political agitation. A secret order was formed, whose motto was: "Americans must rule America." From it emanated counsels which, commanding the votes in many places of active and united minorities, not infrequently determined

Anti-foreign  
movement.

"Know  
Nothing"  
organization.

the results of local elections. The order had its hierarchy; only those who attained to its highest ranks were inducted into its most sacred mysteries; and it was the constant profession of entire ignorance of its secrets by members of the order that gave them their popular name of "Know Nothings." A singular opportunity for political importance was presently to come to this party.

In the summer of 1852 appeared a new engine of anti-slavery sentiment, Mrs. Harriet Beecher Stowe's powerfully written novel, "Uncle Tom's Cabin," with its moving imaginative portrayal of the pathos, the humor, the tragedy, the terror of the slavery system. While it unquestionably showed what might come out of the system, it was built upon wholly exceptional incidents. It was a product of the sympathetic imagination, which the historian must reject as quite misleading, but it nevertheless stirred to their profoundest depths thousands of minds in the North which the politician might never have reached with his protests against the extension of slavery. It was a subtle instrument of power, and played no small part in creating the anti-slavery party, which was presently to show its strength upon so great a scale in national politics.

All the while the industrial development of the country went on as if there were no politics. From May to October, 1851, the world attended England's great international industrial Exhibition, which the noble Prince Consort had so humanely planned in the interest of universal peace. The foreign trade of the United States steadily grew in volume, receiving its impulse in part, of course, from the great gold discoveries in California. A transcontinental railway was spoken of.

The population, while it became more and more dense, grew also more and more heterogeneous. It was at this time that Chinese first appeared



ever, in one radical feature from all former proposals. The Platte country lay wholly within the Louisiana purchase, and all of it that was to be affected by this legislation lay north of the Missouri compromise line,  $36^{\circ} 30'$ , which had been run across that purchase in 1820. All previous proposals, therefore, for the erection of a Territory there had taken it for granted that slavery had once for all been excluded by the action taken when Missouri

The Nebraska bill. was admitted. This latest bill, however, expressly provided that any State or States subsequently made up out of the new Territory should exercise their own choice in the matter. This, Douglas urged, was simply following the precedent set in the organization of the Territories of Utah and New Mexico

four years before, a strict adherence to the "principle" of which was, he insisted, dictated by "a proper sense of patriotic duty." The measure was at once attacked by amendment; and in order to avoid a tinkering of their bill in open Senate, the committee secured its recommitment. On January 23 they produced a substitute measure,

Kansas-Nebraska Bill. which proposed the creation, not of a single Territory, but of two Territories, one of which should embrace the lands lying between latitudes  $37^{\circ}$  and  $40^{\circ}$ , and be known as Kansas; the other, those lying between latitudes  $40^{\circ}$  and  $43^{\circ} 30'$ , and be known as Nebraska. The bill further provided that all laws of the

Popular sovereignty clause. United States should be extended to these Territories, "except the eighth section of the Act preparatory to the admission of Missouri

into the Union, approved March 6, 1820 [the "compromise" section], which, being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void." It was declared

*Forgotten slave law  
discussion*

to be the "true intent and meaning" of the Act, "not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." Finally, it was provided that the Fugitive Slave Law should extend to the Territories.

No bolder or more extraordinary measure had ever been proposed in Congress; and it came upon the country like a thief in the night, without warning or expectation, when parties were trying to sleep off the excitement of former debates about the extension of slavery. Southern members had never dreamed of demanding a measure like this, expressly repealing the Missouri compromise, and opening all the Territories to slavery; and no one but Douglas would have dared to offer it to them, — Douglas, with his strong, coarse grained, unsensitive nature, his western audacity, his love of leading, and leading boldly, in the direction whither, as it seemed to him, there lay party strength. Mr. Pierce, it seems, had been consulted about the measure beforehand, and had given it his approbation, saying that he deemed it founded "upon a sound principle, which the compromise of 1820 infringed upon," and to which such a bill would enable the country to return. Not a few able and aggressive opponents of the extension of slavery had of late been added to Seward and Chase in the Senate. Hamilton Fish had been sent from New York, Solomon Foote from Vermont, Benjamin Wade from Ohio, and from Massachusetts Charles Sumner, who had declared very boldly his distaste for the Fugitive Slave Law, and his determination to oppose every attempt either to carry freedom to the slave States or the sectional evil of slavery into the free States. These men made every effort, of course, to prevent the passage of

Audacity of  
the bill.

the bill; but they were overwhelmingly outvoted. The southern members gladly accepted what they had not asked for, and the northern Democrats recklessly followed Douglas. The Senate passed the bill by a vote of 37 to 14. Similar influences carried it through the House by a vote of 113 to 100. Douglas commanded the votes of forty-four northern Democrats, — just half the Democratic delegation from that section, — and nearly the whole southern vote. Nine southern members voted with the northern Whigs, and forty-four northern Democrats in the negative. On May 30 the President signed the bill, and it became law.

### 91. The Kansas Struggle (1854-1857).

The Act sowed the wind; the whirlwind was not long in coming. The compromise measures of 1850 had, of course, affected only the Territories acquired from Mexico; no one till now had dreamed that they reacted to the destruction of the compromise of 1820, — a measure which applied to a region quite distinct, and which was now more than thirty years deep in our politics. To the North, the Kansas-Nebraska Act seemed the very extravagance of aggression on the part of the slave interest, the very refinement of bad faith, and a violation of

the most solemn guarantees of policy. The law's ambiguity. bill, moreover, contained a fatal ambiguity.

When and in what manner were the squatter sovereigns of Kansas and Nebraska to make their choice with regard to slavery? Now, during the period of settlement, and while the districts were still Territories? or afterwards, when ready for statehood and about to frame their constitutions? No prohibition was put upon the territorial legislatures of Kansas and Nebraska: were they at liberty to proceed to make their choice at once?

Whatever may have been the intention of the framers of the law, purposeful action in the matter did begin at once and fiercely, hurrying presently to the length of civil war.

**Organized movement into Kansas.** Both from the North and from the South an organized movement was made to secure the Territory of Kansas by immediate settlement. The settlers who were in the slave interest came first, pouring in from Missouri. Then came bands of settlers from the free States, sent or assisted by emigration aid societies. The Missouri men hastened to effect a territorial organization; carried the elections to the territorial legislature, — when necessary by the open use of voters from Missouri at the polls; and the pro-slavery legislature which they chose met and adopted, in addition to the laws of Missouri in bulk, a stringent penal code directed against all interferences with the institution of slavery. The free settlers attempted to ignore the government thus organized, on the ground of its fraudulent nature. **Topeka constitution.** They met in convention at Topeka, October, 1855, adopted a free constitution for themselves, and ventured in January, 1856, to set up a government of their own. But the legal advantage was with the other side; whether fraudulently established or not, the pro-slavery government had at any rate been set up under the forms of law, and the federal government interfered in its behalf. As the struggle advanced, free settlers came in greater and greater numbers, and came armed, after the example of their Missouri rivals. Actual warfare ensued, and the interposition of federal troops became necessary. **Free settlers gain control.** At last, in October, 1857, the free settlers gained control at the polls of the legitimate legislature of the Territory, and the game was lost for slavery. A constitution was adopted without slavery, and with that constitution the Territory sought admission to the Union as a State

In July, 1856, the House of Representatives had passed a bill for the admission of Kansas as a State, under the constitution adopted by the free settlers at Topeka, but the Senate had rejected it.

## 92. The Republican Party (1854-1856).

The majority which put the Kansas-Nebraska bill through the House in 1854 was destroyed in the elections of the same year. All "Anti-Nebraska" men drew away from the old parties. Most of these, however, were Whigs, and had no taste for the companionships which would be thrust upon them should they enter the Free Soil party. In this dilemma they took refuge with the "Know Nothings," who volunteered, with reference to the slavery question, to be Do Nothings. A desperate attempt was made to create a diversion, and by sheer dint of will to forget the slavery question altogether. Southern Whigs for a time retained their party name, and tried to maintain also their party organization; but even in the South the Know Nothings were numerous joined, and for a brief space it looked as if they were about to become in fact a national party.

Know  
Nothing  
successes.

In the elections of 1854 they succeeded in electing, not only a considerable number of Congressmen, but also their candidates for the governorship in Massachusetts and Delaware. Before the new House met, in December, 1855, the Know Nothings had carried New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Kentucky, and California, and had polled handsome votes, which fell very little short of being majorities, in six of the southern States.

What with Anti-Nebraska men and Free Soilers, Democrats, southern pro-slavery Whigs, and Know Not-



ings, the House of Representatives which met Dec. 3, 1855, presented an almost hopeless mixture and confusion of party names and purposes. It spent two months in electing a Speaker. Within a year, however, the fusion party temporarily known in Congress as Anti-Nebraska men drew together in coherent organization under the name "Republican." Groups of its adherents had adopted that name in the spring of 1854, when first concerting opposition to the policy of the Kansas-Nebraska bill. It was no sooner organized than it grew apace. Within the first year of its existence it obtained popular majorities in fifteen States, elected, or won over to itself, one hundred and seventeen members of the House of Representatives, and secured eleven adherents in the Senate. Representatives of all the older parties came together in its ranks, in novel agreement, their purposes mastered and brought into imperative concert by the signal crisis which had been precipitated upon the country by the repeal of the Missouri compromise. It got its programme from the Free Soilers, whom it bodily absorbed; its radical and aggressive spirit from the Abolitionists, whom it received without liking; its liberal views upon constitutional questions from the Whigs, who constituted both in numbers and in influence its commanding element; and its popular impulses from the Democrats, who did not leave behind them, when they joined it, their faith in their old party ideals.

### 93. Territorial Aggrandizement (1853-1854).

Every sign of the times was calculated to quicken the energy and form the purposes of this new party. Not only did the struggle in Kansas constantly add fuel to the flame of excitement about the extension of slavery into the Territories, but it seemed that an end had not

yet been made of adding new Territories to those already acquired. Only four or five months before the adoption of the Kansas-Nebraska Act a new region had been

~~The Gads-~~ purchased from Mexico. The treaty of Gua-  
den purchase. dalupe-Hidalgo (§ 77) had not satisfied Mexico

with regard to the definition of the southern boundaries of the territories which she had surrendered to the United States on the Pacific coast. She still claimed a considerable region south of the Gila River, which crosses the southern portion of the present Territory of Arizona. Santa Anna even led an army into the disputed district, and made threat of a renewal of war. Hostilities were averted, however, by a new purchase. Acting through Mr. Gadsden, the federal government agreed, Dec. 30, 1853, to pay Mexico ten million dollars for the something more than forty-five thousand square miles of territory in controversy, and the southwestern boundary was at last finally fixed.

This was the addition also of new territory in the region most likely to be occupied by slavery; and apparently annexations in the interest of slavery were not to end there. There seemed to be a growing desire on the part of the South to see Cuba wrested from Spain, and added as new slave territory to the United States. Some of the more indiscreet and daring of the southern politicians even became involved in attempts to seize Cuba and effect a revolutionary expulsion of the Spanish power. In 1854, under pressure of the southern party, Mr. Pierce directed the American ministers to Great Britain, France, and Spain (James Buchanan, John Y. Mason, and Pierre Soulé) to meet and discuss the Cuban question— The result was the “Ostend Mani-  
festation” of October 18, 1854, which gave deep offence to the Free Soil party. Meeting at Ostend, these gentlemen agreed to report to their government that in

their opinion the acquisition of Cuba would be advantageous to the United States; and that if Spain refused to sell it, the United States would be justified in wresting it from her, rather than see it Africanized, as San Domingo had been. Expeditions, too, were organized by a few southern men against Central America, and repeated, though futile, attempts made to gain new territory to the south of Texas. The men who engaged in these mad attempts at conquest acted without organized support or responsible recognition by any southern government; but the North regarded their actions, nevertheless, as symptomatic of the most alarming tendencies, the most revolutionary purposes. The South, on its part, presently saw the contest for supremacy in Kansas turn overwhelmingly against the slave owners; saw free Territories rapidly preparing to become free States; saw fast approaching the destruction of the sectional equilibrium in the Senate. Parties formed and planned accordingly.

Crisis.

#### 94. Presidential Campaign of 1856.

The Presidential campaign of 1856 was a four-cornered contest. The first party to prepare a platform and put forward candidates was the American, or Know Nothing, whose convention assembled Feb. 22, 1856, in Philadelphia. It nominated for President Mr. Fillmore, and in its platform it repeated those declarations in favor of restricting the privileges of foreigners, and of respecting the Constitution and the reserved rights of the States, by which it thought to divert attention from slavery and secure peace. But a minority of the members withdrew even from this peace loving convention, because they could not obtain a satisfactory utterance on the slavery question.

Know Nothing convention.

The Democratic convention met in Cincinnati on the 2d of June. The party, in spite of some serious breaks

**Democrats.** in its ranks, still substantially preserved its integrity. The southern delegates wished the

renomination of Mr. Pierce; moderate northern men

preferred Mr. Buchanan, who, because of his absence

on a foreign mission, had not been obliged to take

public ground on the territorial question; some de-

sired the nomination of Mr. Douglas. On the seven-

teenth ballot Mr. Buchanan was nominated. Mr. John

C. Breckinridge of Kentucky who represented the

slaveholding southern element, was named for the vice-

presidency. To the usual Democratic platform were

added a strong reiteration of the party's devotion to

the principles of the compromise of 1850 and a formal

indorsement of the theory of non-intervention with

slavery in the Territories embodied in the Kansas-

Nebraska Act of 1854. Finally, there came an almost

pathetic insistence that there were "questions connected

with the foreign policy of this country which are inferior

to no domestic questions whatever," as preamble

to the hope that the United States might control the

means of communication between the two oceans, and

might by some means assure its ascendancy in the Gulf

of Mexico.

The Republican party held its first national convention

in Philadelphia on the 17th of June. All the northern

**Republicans.** States were represented, but no others except

Maryland, Delaware, and Kentucky. The party was as yet too young to have produced tried and accredited leaders. It therefore put forward as its candidate for the presidency John C. Frémont, a young officer who had aided in the conquest of California (§ 77). The platform was brief and emphatic. It declared that neither Congress, nor a territorial legislature, nor any in-

individual or association of individuals, had any authority "to give legal existence to slavery in any Territory while the present Constitution shall be maintained." It denounced the whole action of the government with regard to Kansas, and demanded the immediate admission of that Territory as a free State. It pronounced the argument of the Ostend circular to be "the highwayman's plea, that might makes right." Finally, it urged a railway to the Pacific, as well as such appropriations by Congress for the improvement of rivers and harbors as might be "required for the accommodation and security of our existing commerce." Such was its Free-Soil-Anti-Nebraska-Whig creed. Its nomination of Frémont, who had been reckoned a Democrat, was its recognition of the Democracy.

A remnant of the Whig party met in Baltimore on September 17 and accepted Mr. Fillmore, the nominee of the Know Nothings, as their own candidate, declaring that they saw in such a choice the only refuge for those who loved the Constitution as it was, and the compromises by which it had recently been bolstered up.

The Democratic candidates were elected. They received one hundred and seventy-four of the electoral votes, as against one hundred and fourteen for Frémont, and eight (those of Maryland) for Fillmore. But the strength displayed by the Republicans was beyond measure startling. Their popular vote had been 1,341,264, while that for Buchanan was only 1,838,169. They carried every northern State but Pennsylvania, New Jersey, Indiana, and Illinois, and had gained portentous strength even in those States. In the West they were practically the only party which disputed supremacy with the Democrats; and hereafter they were to be the only powerful party standing face to face with

the Democrats in the East. The Know Nothings and the Whigs vanished from the field of national politics. Parties were to be henceforth both compact and sectionalized. One more administration, and then the wind sown in 1854 shall have sprung into a whirlwind.

## SECESSION AND CIVIL WAR

(1856-1865).

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## CHAPTER VIII.

## SECESSION (1856-1861).

## 96. Financial Stringency (1857).

A WIDESPREAD financial stringency distressed the country during the first year of Mr. Buchanan's administration.

Commercial development. Ever since 1846 there had been very great prosperity in almost all branches of trade and manufacture. Great advances had been made in the mechanic arts, and easy channels both of domestic and of international trade had been multiplied in every direction by the rapid extension of railways and of steam navigation; so that the stimulus of enterprise, along with the quickening influences of the great gold discoveries, had been transmitted in all directions. But this period of prosperity and expansion, like all others of its kind, brought its own risks and penalties. Sound business methods presently gave way to reckless speculation. There was an excessive expansion of business; many enterprises were started which did not fulfil their first promise; there were heavy losses as well as great gains; and at last there came uneasiness, the contraction of loans, failures, and panic.

The revenue laws, it was thought, contributed to increase the difficulties of the business situation, by drawing the circulating medium of the country into the Treasury, chiefly through the tariff duties, and keeping it there in the shape of an augmenting surplus. With a view, therefore, to relieving the stringency of the money market, Congress undertook a revision of the tariff. The

other, more critical, questions of the day seem to have absorbed partisan purpose, and this revision differed from previous tariff legislation in the temperateness of view and equity of purpose with which it was executed. In the short session of the thirty-fourth Congress (1856-1857) all parties united in reducing the duties on the protected articles of the existing tariff to twenty-four per cent, and in putting on the free list many of the raw materials of manufacture. It was hoped thus to get money out of the Treasury and into trade again. Financial crisis, however, was not prevented, but disturbed the whole of the year 1857.

#### 97. The Dred Scott Decision (1857).

A brief struggle brought the business of the country out of its difficulties; but the strain of politics was not so soon removed, and a decision of the Supreme Court now hurried the country forward towards the infinitely greater crisis of civil war. Dred Scott was the negro slave of an army surgeon. His master had taken him, in the regular course of military service, from Missouri, his home, first into the State of Illinois, and then, in May, 1836, to Fort Snelling, on the west side of the Mississippi, in what is now Minnesota; after which, in 1838, he had returned with him to Missouri. Slavery was prohibited by state law in Illinois, and by the Missouri Compromise Act of 1820 in the territory west of the Mississippi; and after returning to Missouri the negro endeavored to obtain his liberty by an appeal to the courts, on the ground that his residence in a free State had operated to destroy his master's rights over him. In course of appeal the case reached the Supreme Court of the United States. The chief, if not the only, question at issue was a question of jurisdiction. Was Dred Scott a citizen

within the meaning of the Constitution; had he had any rightful standing in the lower courts? To this question

Jurisdiction. the court returned a decided negative. The

temporary residence of the negro's master in Illinois and Minnesota, in the course of his official duty and without any intention to change his domicile, could not affect the status of the slave, at any rate after his return to Missouri. He was not a citizen of Missouri

in the constitutional sense, and could have therefore no standing in the federal courts. But, this question de-

cid<sup>d</sup>, the majority of the judges did not think it *obiter*

*dicens* to go further, and argue to the merits of the case regarding the status of slaves and the authority of Congress over slavery in the Territories. They were of the

opinion that, notwithstanding the fact that the Constitution spoke of slaves as "persons held to service and

Status of the negro. labor," men of the African race, in view of the fact of their bondage from the first in

this country, were not regarded as persons, but only as property, by the Constitution of the United States; that,

as property, they were protected from hostile legislation on the part of Congress by the express guarantees of

the Constitution itself; and that Congress could no more legislate this form of property out of the Territories than

it could exclude property of any other kind, but must guarantee to every citizen the right to carry this, as he

might carry all other forms of property, where he would, within the territory subject to Congress. The legislation,

therefore, known as the Missouri compromise was, in their judgment, unconstitutional and void.

The opinion of the court sustained the whole southern claim. Not even the exercise of squatter sovereignty

Scope of the decision. could have the countenance of law; Congress must protect every citizen of the country in

carrying with him into the Territories property of what-

ever kind, until such time as the Territory in which he settled should become a State, and pass beyond the direct jurisdiction of the federal government. Those who were seeking to prevent the extension of slavery into the Territories were thus stigmatized as seeking an illegal object, and acting in despite of the Constitution.

### 98. The Kansas Question again (1857-1858).

For the Republicans the decision was like a blow in the face. And their uneasiness and alarm were the greater because the new administration Buchanan's policy. seemed wholly committed to the southern party. Mr. Buchanan had called into his cabinet both northern and southern men; the list was headed by Lewis Cass of Michigan as Secretary of State, a sturdy Democrat of the old Jacksonian type. But the President was guided for the most part by the counsel of the southern members, — men like Howell Cobb of Georgia, and Jacob Thompson of Mississippi. It was natural that he should be. Only two northern States, Pennsylvania and New Jersey, had been carried for Buchanan in 1856, and only two States of the Northwest, Indiana and Illinois. The chief strength of the Democrats was in the South; and apparently it was upon the South that they must depend in the immediate future. The course of the administration, as an inevitable consequence, was one of constant exasperation to its opponents, particularly in connection with the affairs of Kansas.

The free settlers of Kansas gained control of the territorial legislature, as we have seen, in the October of this first year of Mr. Buchanan's term; but before resigning its power, the expiring pro-slavery Lecompton constitution. majority had called a convention, to meet at Lecompton in September, to frame a state constitution.

The convention met accordingly, and adopted (October 7) a constitution which provided for the establishment and perpetuation of slavery. The convention determined not to submit this constitution as a whole to the popular vote, but only the question of its adoption "with slavery" or "without slavery," — a process which would not touch any other feature of the instrument nor affect the various safeguards which it sought to throw around slave property so far as it already existed. The free settlers refrained from voting, and the constitution was, in December, adopted "with slavery" by a large majority. The new territorial legislature, with its free-state majority, directed the submission of the whole constitution to the vote of the people; and on Jan. 4, 1858, it was defeated by more than ten thousand majority, the pro-slavery voters, in their turn, staying away from the polls.

The whole influence of the administration was brought to bear upon Congress to secure the admission of Kansas to the Union under the Lecompton constitution; but although there were Democratic majorities in both Houses, the measure could not be gotten through the House of Representatives. The opposition in the Democratic ranks was led by Senator Douglas, who adhered so consistently to his principle of popular sovereignty that he would not consent to force any constitution upon the people of Kansas. Compromise was tried, but failed. Kansas was obliged to wait upon the fortunes of parties. While she waited, the free State of Minnesota entered the Union, May 11, 1858, under an enabling Act passed by the previous Congress in February, 1857.

## 99. The Lincoln-Douglas Debate (1858).

The elections of 1858 showed a formidable gain in strength by the Republicans, and bore an ominous warning for the Democrats. Everywhere the Republicans gained ground; even Pennsylvania, the President's own State, went against the administration by a heavy vote. The number of Republicans in the Senate was increased from twenty to twenty-five, from ninety-two to a hundred and nine in the House; and in the latter chamber they were to be able to play the leading part, since there were still twenty-two Know Nothings in the House, and thirteen "Anti-Lecompton" Democrats, the followers of Senator Douglas. Douglas himself was returned with difficulty to his seat in the Senate, and his canvass for re-election had arrested the attention of the whole country.

The Republicans of Illinois had formally announced that their candidate for the Senate would be Abraham Lincoln, a man whose extraordinary native sagacity, insight, and capacity for debate had slowly won for him great prominence in the State, first as a Whig, afterwards as an Anti-Nebraska man and Republican. Lincoln and Douglas "took the stump" together, and the great debates between them which ensued, both won for Lincoln a national reputation and defined the issues of the party struggle as perhaps nothing less dramatic could have defined them. In Lincoln's mind those issues were clear cut enough. "A house divided against itself," he declared, "cannot stand. I believe this government cannot endure half slave and half free. I do not expect the house to fall, but I expect it will cease to be divided. It will become all one thing or all the other." He forced Douglas upon the dilemma created for him by the Dred Scott decision.

Lincoln's attitude. Douglas's dilemma decision. What became of the doctrine of popular sover

eighty if the people of the Territories could not interfere with slavery until they came to frame a state constitution? Slavery could not exist, replied Douglas, without local legislation to sustain it; unfriendly legislation would hamper and kill it almost as effectually as positive prohibition. An inferior legislature certainly cannot do what it is not within the power of Congress to accomplish, was Lincoln's rejoinder. The state elections went for the Democrats, and Mr. Douglas was returned to the Senate; but Lincoln had made him an impossible presidential candidate for the southern Democrats in 1860 by forcing him to deny to the South the full benefits of the Dred Scott decision.

The disclosures of policy made by the Executive to Congress during the next winter still further intensified Territorial party issues. Mr. Buchanan's message of expansion. December 6 urged territorial expansion in good set terms: the country ought by some means to obtain possession of Cuba; ought to assume a protectorate over those pieces of the dissolving Mexican republic, which lay nearest her own borders; ought to make good her rights upon the Isthmus against Nicaragua and Costa Rica. The impression gained ground that the South was urging the President on towards great acquisitions of slave territory. Again and again, until the very eve of the assembling of the Democratic nominating convention, in 1860, did the President urge this extraordinary policy upon Congress, greatly deepening, the while, the alarm and repugnance of the North.

#### 100. John Brown's Raid (1859).

The year 1859 witnessed a perilous incident in the struggle against slavery, which stirred the South with a profound agitation. In 1855 John Brown, a native of Connecticut, moved from Ohio into Kansas, accompanied

by his four sons. Brown possessed a nature at once rugged and intense, acknowledging no authority but that of

Brown in Kansas. his own obstinate will, following no guidance but that of his own conceptions of right, — conceptions fanatical almost to the point of madness. His

only intention in entering Kansas was to throw himself and his sons into the struggle going forward there against slavery ; and he was quick to take a foremost part in the most lawless and bloody enterprises of his party, going even to the length of massacre and the forcible liberation of slaves. It was not long before he had earned outlawry and had had a price set upon his head by the govern-

Harper's Ferry. ment. In January, 1859, he left Kansas, and in July settled near Harper's Ferry, Virginia, with

the mad purpose of effecting, if possible, a forcible liberation of the slaves of the South, by provoking a general insurrection. On the night of Sunday, October 17, at the head of less than twenty followers, he seized the United States arsenal at Harper's Ferry, and hastened to free as many negroes and arrest as many white men as possible before making good his retreat, with an augmented following, as he hoped, to the mountains. Caught, before he could withdraw, by the arrival of a large force of militia, he was taken, with such of his little band as had survived the attempt to stand siege in the arsenal. A speedy trial followed, and the inevitable death penalty on December 2. His plan had been one of the maddest folly, but its end was one of singular dignity. He endured trial and execution with manly, even with Christian, fortitude.

The South was shaken by the profoundest emotion. A slave insurrection was the most hideous danger that

Effect in the South. southern homes had to fear. It meant massacre and arson, and for the women a fate worse than any form of death or desolation. Southerners did not discriminate carefully between the different



classes of anti-slavery men in the North; to the southern thought they were all practically Abolitionists, and Abolitionists had uttered hot words which could surely have no other purpose than to incite the slaves to insurrection. It was found, upon investigation, that Brown had obtained arms and money in the North; and although it was proved also that those who had aided him had no intimation of his designs against the South, but supposed that he was to use what they gave him in Kansas, the impression was deepened at the South that this worst form of violence had at any rate the virtual moral countenance of the northern opponents of slavery. It was not easy, after this, for the South to judge dispassionately any movement of politics. Already some southern men had made bold to demand that Congress, in obedience to the Dred Scott decision, should afford positive statutory protection to slavery wherever it might have entered the Territories; there was even talk in some quarters of insisting upon a repeal of the laws forbidding the slave trade; and proposals of territorial expansion were becoming more and more explicit and persistent. The exasperation of the incident at Harper's Ferry only rendered the extreme men of the South the more determined to achieve their purposes at every point.

#### 101. Presidential Campaign of 1860.

When the new Congress assembled, in December, 1859, disclosures came which brought the administration into painful discredit. A committee of the House, constituted to investigate the charge made by two members, that they had been offered bribes by the administration to vote for the admission of Kansas with the Lecompton Constitution, brought to light many things which cast a grave suspicion of corruption upon those highest in authority, and hast

Investigation  
of the admin-  
istration.

ened the already evident decline of confidence in the President and his counsellors.

Meantime, the country turned to watch the party conventions. The Democratic convention met in Charleston, South Carolina, on April 23, 1860. Its proceedings

at once disclosed a fatal difficulty about the adoption of a platform. A strong southern minority

Disintegration of the Democratic party.

wished explicitly to insist upon carrying out to the full the doctrine of the Dred Scott decision ; but the majority would join them only in favoring

the acquisition of Cuba "on terms honorable to ourselves and just to Spain," and in condemning the adoption by northern States of legislation hostile to the execution of the Fugitive Slave Law. When defeated on the resolutions, most of the southern members withdrew. Without

them, the convention found it impossible to get together a two-thirds majority for any candidate for the presidential nomination. On the 3d of May, accordingly, it adjourned, to meet again in Baltimore on the 18th of June. Meantime the southern members who had withdrawn got together in another hall in Charleston, and adopted their own resolutions. The regular convention

re-assembled in Baltimore on the appointed day ; but, upon certain questions of re-organization being decided in favor of the friends of Mr. Douglas, most of the southern delegates who had remained with the convention upon the occasion of the former schism, in their turn withdrew, carrying with them the chairman of the convention and several northern delegates. The rest of the body proceeded to the business of nomination, and named Stephen A. Douglas of Illinois for the presidency. The

second group of seceders from the convention, joined by delegates who had been refused admission, and even by some of the delegates who had withdrawn and acted separately in Charleston, met in Baltimore on the 28th

of June, adopted the resolutions that had been adopted by the minority in Charleston, and nominated John C. Breckinridge of Kentucky for the presidency. <sup>Breckinridge convention.</sup> A remnant of the minority convention in Charleston on the same day ratified these nominations in Richmond.

Already, on the 9th of May, another convention had met and acted. This was the convention of a new party, the "Constitutional Union," made up for the "Constitutional Union" most part of the more conservative men of all parties, who were repelled alike by Republican and by Democratic extremes of policy. The Know Nothing party was dead, but this was its heir. It contained, besides, some men who would not have been Know Nothings. It adopted a very brief platform, recognizing "no political principle other than the Constitution of the country, the union of the States, and the enforcement of the laws," and nominated John Bell of Tennessee for the presidency.

The Republican convention met in Chicago on May 16, full of an invigorating confidence of success. The Republican platform adopted denounced threats of disunion, but warmly disavowed all sympathy with any form of interference with the domestic institutions already established in any State. It demanded the immediate admission of Kansas as a free State. <sup>Republican convention.</sup> It repudiated the doctrine of the Dred Scott decision as a dangerous political heresy, claiming that the normal condition of all Territories of the United States was a condition of freedom, and that it was the plain duty of the government to maintain that condition by law. It favored a protective tariff, internal improvements, and a railway to the Pacific. William H. Seward of New York and Salmon P. Chase of Ohio, unquestionably the leading men of the party, were the most prominent

candidates for the presidential nomination; but they had made enemies in dangerous numbers. Mr. Seward, the more prominent and powerful of the two, was regarded as a sort of philosophical radical, whom careful men might distrust as a practical guide. The party was, after all, a conglomerate party; and it seemed best, under the circumstances, to take some less conspicuous man, and to take him from some wavering State. Although Mr. Seward led at first, therefore, in the voting for candidates, Abraham Lincoln of Illinois was nominated on the third ballot. Mr. Hannibal Hamlin of Maine was nominated for the vice-presidency.

The result of the campaign which ensued was hardly doubtful from the first. The presence of four candidates in the field, and the hopeless breach in the Democratic ranks, made it possible for the Republicans to win doubters over to themselves in every quarter. In only one northern State, New Jersey, were Democratic electors chosen, and even in that State four out of the seven electors chosen were Republicans. Douglas received only the nine electoral votes of Missouri and those three from New Jersey. Virginia, Tennessee, and Kentucky cast their votes for Bell. The rest of the southern States went for Breckinridge. The total reckoning showed one hundred and eighty electoral votes for Lincoln and Hamlin, one hundred and three for all the other candidates combined. The popular vote was not so decisive. For Lincoln and Hamlin it was 1,866,452; for Douglas, 1,375,157, the Douglas ticket having polled heavy minorities in the States which had been carried for Lincoln; for Breckinridge, 847,953; for Bell, 590,631. The total opposition vote to the Republicans was thus 2,823,741, — a majority of almost a million, in a total vote of a little over four millions and a half. In the North and West alone the

total opposition vote was 1,288,611. In Oregon and California, whose electoral votes went to the Republicans, the aggregate popular opposition vote was almost twice the vote for Lincoln and Hamlin. In Illinois itself, Mr. Lincoln's own State, the opposition vote fell less than three thousand short of that polled by the Republicans. It was a narrow victory, of which it behooved the Republican leaders to make cautious use.

#### 102. *Significance of the Result.*

The South had avowedly staked everything, even her allegiance to the Union, upon this election. The triumph of Mr. Lincoln was, in her eyes, nothing less than the establishment in power of a party bent upon the destruction of the southern system and the defeat of southern interests, even to the point of countenancing and assisting servile insurrection. In the metaphor of Senator Benjamin, the Republicans did not mean, indeed, to cut down the tree of slavery, but they meant to gird it about, and so cause it to die. It seemed evident to the southern men, too, that the North would not pause or hesitate because of constitutional guarantees. For twenty years northern States had been busy passing "personal liberty" laws, intended to bar the operation of the federal statutes concerning fugitive slaves, and to secure for all alleged fugitives legal privileges which the federal statutes withheld. More than a score of States had passed laws with this object, and such acts were as plainly attempts to nullify the constitutional action of Congress as if they had spoken the language of the South Carolina ordinance of 1832. Southern pride, too, was stung to the quick by the position in which the South found itself. The agitation against slavery had spoken in every quarter the harshest moral censures of slavery and the slaveholders.

The whole course of the South had been described as one of systematic iniquity; southern society had been represented as built upon a wilful sin; the southern people had been held up to the world as those who deliberately despised the most righteous commands of religion. They knew that they did not deserve such reprobation. They knew that their lives were honorable, their relations with their slaves humane, their responsibility for the existence of slavery among them remote. National churches had already broken asunder because of this issue of morals. The Baptist Church had split into a northern and a southern branch as long ago as 1845; and a still earlier year, 1844, had seen the same line of separation run through the great Methodist body.

The Republican party was made up of a score of elements, and the vast majority of its adherents were almost as much repelled by the violent temper and disunionist sentiments of the Abolitionists as were the southern leaders themselves.

The abolitionist movement had had an exceedingly powerful and a steadily increasing influence in creating a strong feeling of antagonism towards slavery, but there was hardly more of an active abolitionist party in 1860 than there had been in 1840. The Republicans wished, and meant, to check the extension of slavery; but no one of influence in their counsels dreamed of interfering with its existence in the States. They explicitly acknowledged that its existence there was perfectly constitutional. But the South made no such distinctions. It knew only that the party which was hotly intolerant of the whole body of southern institutions and interests had triumphed in the elections and was about to take possession of the government, and that it was morally impossible to preserve the Union any longer. "If you who represent the stronger portion," Calhoun had said

in 1850, in words which perfectly convey this feeling in their quiet cadences, "cannot agree to settle the great questions at issue on the broad principle of justice and duty, say so; and let the States we both represent agree to separate and depart in peace."

### 103. *Secession (1860-1861).*

South Carolina, alone among the States, still chose her presidential electors, not by popular vote, but through her legislature. After having chosen Breckinridge electors, Nov. 6, 1860, her legislature remained in session to learn the result of the election. The governor of the State had consulted other southern governors upon the course to be taken in the event of a Republican victory, and had received answers which encouraged South Carolina to expect support, should she determine to secede. When news came that Lincoln was elected, therefore, the South Carolina legislature called a state convention, made provision for the purchase of arms, and adjourned. In Charleston, on the 20th of December, the convention which it had called passed an ordinance which repealed the action taken in state convention on the 23d May, 1788, whereby the Constitution of the United States had been ratified, together with all subsequent Acts of Assembly ratifying amendments to that Constitution, and formally pronounced the dissolution of the union "subsisting between South Carolina and other States, under the name of the United States of America." It also made what provision was necessary for the government of the State as a separate sovereignty, and for such exigencies of defence as might arise in case of war. By the 1st of February, 1861, Georgia and four of the Gulf States—Florida, Alabama, Mississippi, Louisiana— had followed South Carolina and seceded from the Union; and Texas was on the point of joining them.

Delegates, appointed by the several conventions in the seceding States, met in Montgomery, Alabama, on the <sup>Montgomery</sup> 4th of February, 1861, framed a provisional <sup>Convention.</sup> constitution and government for the "Confederate States of America," and chose Jefferson Davis of Mississippi provisional President, Alexander H. Stephens of Georgia provisional Vice-President. In March a permanent constitution was adopted, to take effect the next year.

The legal theory upon which this startling and extraordinary series of steps was taken was one which would <sup>Legal theory</sup> hardly have been questioned in the early <sup>of secession.</sup> years of the government, whatever resistance might then have been offered to its practical execution. It was for long found difficult to deny that a State could withdraw from the federal arrangement, as she might have declined to enter it. But constitutions are not mere legal documents: they are the skeleton frame of a living organism; and in this case the course of events had nationalized the government once deemed confederate. Twenty States had been added to the original thirteen since the formation of the government, and almost all of these were actual creations of the federal government, first as Territories, then as States. Their populations had <sup>New States.</sup> no corporate individuality such as had been possessed by the people of each of the colonies. They came from all parts of the Union, and had formed communities which were arbitrary geographical units rather than natural political units. Not only that, but north of the Missouri compromise line the population of these new States had been swelled by immigration from abroad; and there had played upon the whole northern and northwestern section those great forces of material development which made steadily for the unification of interests and purposes. The "West" was the



great make-weight. It was the region into which the whole national force had been projected, stretched out, and energized, — a region, not a section; divided into States by reason of a form of government, but homogeneous, and proceeding forth from the Union.

These are not lawyer's facts: they are historian's facts. There had been nothing but a dim realization of them until the war came and awoke the national spirit into full consciousness. They have no bearing upon the legal intent of the Constitution as a document, to be interpreted by the intention of its framers; but they have everything to do with the Constitution as a vehicle of life. The South had not changed her ideas from the first, because she had not changed her condition. She had not experienced, except in a very slight degree, the economic forces which had created the great Northwest and nationalized the rest of the country; for they had been shut out from her life by slavery. The South withdrew from the Union because, she said, power had been given to a geographical, a sectional, party, ruthlessly hostile to her interests; but Dr. von Holst is certainly right when he says: "The Union was not broken up because sectional parties had been formed, but sectional parties were formed because the Union had actually become sectionalized." There had been nothing active on the part of the South in this process. She had stood still while the rest of the country had undergone profound changes; and, standing still, she retained the old principles which had once been universal. Both she and her principles, it turned out, had been caught at last in the great national drift, and were to be overwhelmed. Her slender economic resources were no match for the mighty strength of the nation with which she had fallen out of sympathy.

Sectional-  
ization of  
the Union.

## CHAPTER IX.

## THE CIVIL WAR (1861-1865).

## 104. A Period of Hesitation (1861).

**DURING** the early months of 1861 the whole posture of affairs was most extraordinary. Nowhere was there decided purpose or action except in the South. Southern activity. The federal authorities seemed paralyzed. On all hands southern officers were withdrawing from the army, as their States seceded; in like rapid succession the representatives of the seceding States were withdrawing from the Senate and House of Representatives. The southern States, as they left the Union, took possession of the federal arsenals, custom houses, and post-offices within their jurisdiction. Presently only Fortress Monroe in Chesapeake Bay, Fort Sumter in Charleston harbor, Fort Pickens at Pensacola, and the fortifications near Key West remained in federal possession. Many civil officials of the federal government resigned their commissions. Commissioners from South Carolina had appeared in Washington before the year opened, to arrange for a division of the national debt and a formal transfer of the national property lying within the State. Military preparations were made everywhere in the South; and some northern governors ordered the purchase of arms and made ready to mobilize the militia of their States. But the federal authorities did nothing. Almost everywhere in the North and West the people were strangely lethargic, singularly disposed to wait and see the trouble blow over.

Buchanan's counsels had hitherto been guided by southern influences; and when this crisis came, although Buchanan's the southern men withdrew from his cabinet, course. or were displaced, to make room for firmer adherents of the Union, he seemed incapable of deciding upon any course of action against the South. Mr. Buchanan believed and declared that secession was illegal; but he agreed with his Attorney General that there was no constitutional means or warrant for coercing a State to do her duty under the law. Such, indeed, for the time, seemed to be the general opinion of the country. Congress was hardly more capable of judgment or action than the Executive. On January 29, 1861, after the withdrawal of the southern members had given the Republicans a majority in the Senate, it passed the bill which was to admit Kansas to the Union under her latest free constitution; the Territories of Nevada, Colorado, and Dakota were organized, without mention of slavery; and a new Tariff Act, which had passed the House the previous winter, passed the Senate, in aid of the now Congressional embarrassed finances of the government. But paralysis. on the subject of most pressing exigency every proposal failed. Compromise measures without number were brought forward, but nothing was agreed upon. A Peace Congress, made up of delegates from all but the seceding States, met, at the suggestion of Virginia, and proposed acts of accommodation; a senatorial committee joined it in advocating the extension of the Missouri compromise line to the Pacific, the positive establishment of slavery by Congress to the south of that line, and compensation from the federal Treasury for fugitive slaves rescued after arrest. Even Mr. Seward, the Republican leader in Congress, was willing to concede some of the chief points of Republican policy with regard to slavery in the Territories for the sake of con-

ciliation. But nothing was done; everything was left to the next administration.

The situation, singular and perilous as it seemed, was really due to causes which were, in the long view, sources of strength. The people of the country were doubtless bewildered for a time by being brought so unexpectedly into the presence of so great a crisis; but this trying pause before action was due very much more to their conservative temper and deep-rooted legal habit. Even after the crisis had been transformed into a civil war, and the struggle had actually begun for the preservation of the Union, every step taken which strained the laws caused a greater or less reaction in the popular mind against the party in power. Policy had to carry the people with it; had to await the awakening of the national idea into full consciousness; and this first pause of doubt and reflection did but render the ultimate outcome the more certain.

The feeling of experiment and uncertainty was not confined to the North. At first neither side expected an actual conflict of arms, — perhaps neither side expected a permanent dissolution of the Union. There was a strong party of opposition to secession in the South, notably in Georgia, where even Mr. Stephens, now Vice-President of the Confederacy, had opposed it. Secession had been in some sense a movement of political leaders rather than of the people. The object was to make terms with the North about slavery, and they thought that probably better terms could be made out of the Union than in it. The States which followed South Carolina felt bound to support their sister State in demands with which they sympathized. Border States like North Carolina and Virginia and Tennessee held off only until coercion should be attempted. Compromise was hoped for, even confidently expected. Some

Conservative  
temper of  
the people.

First object  
of secession.

dreamed, in the North as well as in the South, that the dissolution would be final and peaceful! Action was hurried forward too rapidly to be based upon careful calculation or any wise forecast.

#### 105. President Lincoln (1861).

The successor to whom President Buchanan very willingly resigned the responsibility of guiding affairs at this Lincoln's critical juncture was one of the most singular character. and admirable figures in the history of modern times. Abraham Lincoln came of the most unpromising stock on the continent, the "poor white trash" of the South. His shiftless father had moved from place to place in the western country, failing where everybody else was succeeding in making a living; and the boy had spent the most susceptible years of his life under no discipline but that of degrading poverty. And yet a singular genius for getting and using knowledge manifested itself in him from the first, and was the more remarkable because free from morbid quality, and slow, patient, and equable in its development. He was altogether like the rough frontiersmen with whom he lived, in his coarse, neglected dress, his broad and boisterous humor, his careless, unstrenuous ways of life; but he was vastly above them in intellectual and moral stature. He gained an easy mastery over them, too, by cultivating, as he did, the directer and more potent forms of speech. And his supremacy was the more assured because it was a moral as well as an intellectual supremacy. To everybody who knew him he was "Honest Abe." When at length he undertook to meet Douglas in public debate (§ 99), he had come into the full maturity of his splendid power to understand and persuade. Having developed among the people, slowly, as if in their company, by mastering what

they but partially comprehended, penetrated the while by their sentiments and aspirations, he came into the leadership of his party with an aptitude and equipment for affairs which no other man could rival.

His task as President was "more difficult than that of Washington himself had been," as he had said to his

His purpose. neighbors, with solemn solicitude for the future. There was a sentiment to create and a party to compact; and these things were to be done by a man comparatively unknown as yet. He meant to respect the Constitution in all things. It was in the oath that he took as President, he said, that he would to the best of his ability preserve, protect, and defend the Constitution; and he did not feel that he might "take an oath to get power, and break the oath in using that power." Neither did he feel, however, that he could be said even to have tried to preserve the Constitution if, "to save slavery or any minor matter," he should "permit the wreck of government, country, and Constitution all together." He sought to follow a course of policy in which firmness and conciliation should be equally prominent, and in which he could carry the plain people of the country with him.

He put both Mr. Seward and Mr. Chase into his cabinet, because they were recognized as the most conspic-

The cabinet. ous and representative men of his party; but he associated with them others less conspicuous, and also less radical, chosen from the other groups which had combined to make up the Republican strength. Then he addressed himself to the slowest and most cautious policy that the rapid movement of critical events would allow. When Mr. Seward proposed, with amazing weakness and fatuity, that the slavery question be eliminated in all dealings with the South, and the nation at once aroused and united by a vigorous and aggressive

foreign policy, Lincoln's reproof showed him a master both in commanding others and in controlling himself. When the ardent anti-slavery faction would have pushed him to the other extreme, they too were baffled by his prudent purpose and quiet reserve of strength. Events went swiftly enough of themselves. He was not afraid to take the initiative, but he would not take it rashly or too soon. He governed and succeeded by sympathy. He knew the mettle and temper of the people who had put him in charge of the government.

#### 106. Opening of Hostilities (1861).

During the very month of his inauguration commissioners arrived from the confederate States. They were refused official recognition; but Mr. Seward, Southern commission. who believed himself to be the real head of the administration, kept them waiting a long time for his decision, unofficially holding out hopes of concession, the while, through Justice Campbell, of the Supreme Court, who wished, if possible, to mediate in the interest of peace. On April 8, while they waited, formal notice was sent from the federal authorities to Governor Pickens of South Carolina that the federal garrison in Fort Sumter, which the southern authorities had summoned to surrender, would be succored and provisioned. Sumter.

April 12, the confederate batteries opened fire upon that fort, and on the 14th the little garrison was forced to surrender. The next day, the 15th, the President, by proclamation, called for seventy-five thousand volunteers. The northern States promptly, even eagerly, responded. On the 19th of April a regiment of Massachusetts volunteers was attacked by a mob in the streets of Baltimore as it passed through on its way to Washington. Four of the southern border States, rather

than obey the call for volunteers and acquiesce in the use of coercive force, withdrew from the Union and joined

the southern Confederacy: Arkansas on May 6, North Carolina on May 20, Virginia on May 23, and Tennessee on June 18. They

had held off from the original movement of secession, but they were hotly opposed to the coercion of a State by the federal power, and had already formed "military leagues" with the seceding States, by which their territories were opened to the confederate armies.

The confederate capital was moved from Montgomery to Richmond; President Davis also called for volunteers,

and his call was obeyed as eagerly as President Lincoln's had been in the North. Regiments went blithely forth, oftentimes with gay pomp and laughter, from the southern towns, as if to holiday parade, little dreaming how awful a struggle was about to begin.

Whatever doubts may have been entertained among the southern people about the wisdom or the policy of secession were dispelled upon the instant by threat of coercive force. It then seemed to them that they were asserting rights of self-government as plain and as sacred as any that lay at the heart of the history of English liberty. In the North, too, there were scruples about coercion, and Mr. Lincoln had to be the more careful because of them. But when Sumter was fired on, and the war begun, these scruples too were dispelled. Both sides were aroused.

### 107. The War Policy of Congress (1861-1862).

Having called for and obtained the military support demanded by the immediate exigency, Mr. Lincoln summoned Congress to convene in special session

on July 4. A colossal task confronted it. The advantage of first preparation was with the South.



What with the resignations and surrenders which followed the first actions of the seceding States, the army of the United States had gone almost to pieces. The treasury was practically empty. Even the civil service needed to be reconstructed, because of the number of southern men who had withdrawn from it. More than a year was to

elapse before the overwhelming material power of the North could be brought to bear upon the concentrated forces of the South. Congress devoted itself very heartily to the financial and military measures rendered necessary by the situation. It directed a blockade of the Southern ports; it authorized a loan and voted large appropriations, increasing the tariff duties, August 5, to produce the necessary revenue; it provided for the calling out of five hundred thousand volunteers; passed Acts defining and punishing conspiracy against the government; and provided for the confiscation of all property employed against the United States. During its regular winter session it resumed the same policy of strengthening both the laws and the resources of the government against hostile attack. It then took the first steps of that financial policy which was unflinchingly carried out until the close of the war: industries were to be stimulated to the utmost possible extent by protective duties, and then used by direct taxation for the support of the war. By the middle of the summer of 1862 this system of policy was virtually complete. In February a great issue of irredeemable paper money was voted, and the paper given full legal tender quality; in July a Tariff Act was passed which very greatly increased the duties on imports, and an internal revenue law adopted which, besides imposing specific taxes on the production of iron, steel, paper, coal oil, leather, etc., and a general *ad valorem* tax on other manufactures, required licenses for many callings, established a general income tax, and

Organization.

Financial measures.

mulcted railway, steam-boat, and express companies in taxes on their gross receipts. The same month saw the charter of the Union Pacific Railway pass Congress, with huge grants of land and money from the federal government. Public lands were granted also to the various States in aid of the establishment of agricultural colleges; and a "Homestead Bill" was adopted, which offered portions of the public domain to heads of families at a nominal fee. Wealth and taxes were to be made to grow together, the expansion of population and industry and the successful prosecution of the war.

#### 108. **Manassas and the "Trent" Affair (1861).**

Meantime it was becoming evident that the struggle was to be both fierce and prolonged, taxing to the utmost even the superb resources of the North, whose ports were open, and whose material power had chance of augmentation even in the midst of war itself. The volunteers at first called out had been enlisted for only three months' service; it was expected that something would be done at once which should be decisive of the sectional issue. Towards the end of July, 1861, General McDowell moved with the federal forces upon Richmond, the confederate capital, and on the 21st met the confederate forces at Manassas, under Generals Joseph E. Johnston and Beauregard. A stubborn and sanguinary battle ensued, which resulted in the utter rout of McDowell, whose troops fled back to Washington in hopeless confusion. Already there had been several engagements upon a small scale in western Virginia, where the sympathy of the people was with the Union. These had resulted in giving to federal troops under General McClellan control of the upper sources of both the Potomac and the Ohio rivers. Similar side campaigns during the autumn and winter secured also for the federal power

the greater part of Missouri and Kentucky, and fixed sharply enough the geographical area of secession.

A significant international incident called attention in the autumn to the possible part that foreign governments might play in the conflict as it grew more serious. The confederate government

Foreign relations of the Confederacy.

had from the first hoped for and even expected foreign recognition and assistance. The southern States were the great cotton field of the world, and there were hundreds of factories in England which must stand idle, thousands of families who must starve, if the southern ports should be effectually closed against the exportation of the great staple. European powers, it was thought, would not be loath to see the great republic in America lose some of its formidable strength by division; and it was soon known that in England the most influential classes sympathized with the aims of the South. J. M. Mason and John Slidell, commissioners from the Confederate States to England and France respectively, ran the federal blockade at Charleston and embarked at Havana on the English steamer

"Trent" affair. "Trent" for England. On November 8 the steamer was overhauled by a United States man-of-war, and the commissioners were taken from her and carried prisoners to Fort Warren, in Boston harbor. At once England demanded their surrender, and an apology from the United States for so gross a breach of international right, accompanying her demand with open preparations for war. The international rights for which she contended were such as the United States herself had always insisted upon, and the commissioners were released; but the "Trent" affair made a very painful impression upon public opinion in both countries, — an impression of active hostility and bitterness of feeling which was slow to wear off. At the very beginning of the struggle, upon

receipt of the news of President Lincoln's proclamation declaring the southern ports blockaded, and of President Davis's offer to provide vessels with letters of marque and reprisal against the commerce of the United States, both England and France had issued proclamations of neutrality which gave to the Confederate States international standing as belligerents. Apparently foreign governments were waiting only for some pronounced success of the southern armies to recognize the independence of the Confederacy.

#### 109. Military Operations of 1862.

Early in 1862 the area and plan of the war began to be defined. On the one hand, the long sectional frontier was broken by the movement of federal armies down the valley of the Mississippi. On the other hand, the fighting grew thick and fast in Virginia and Maryland, in the region lying round about and between the two capitals, Richmond and Washington. In the West the federal armies were almost uniformly successful; in the East almost uniformly unsuccessful. On the 6th of March, 1862, a severe engagement at Pea Ridge, in northwestern Arkansas, had given to the federal forces in that region the decisive advantage which finally secured to them the control of Missouri. A month earlier an actual invasion of the seceding States had been begun. A land force under Ulysses S. Grant moved up the Tennessee River, in co-operation with a fleet of gunboats under Commodore Foote, and on February 6 took Fort Henry. Immediately crossing to the Cumberland, Grant captured Fort Donelson on that river on the 16th. A federal force under General Pope, also supported by gunboats, then, with the greatest difficulty, cleared the Mississippi of the confederate blockades at New Madrid

and Island Number Ten. Pushing forward, meanwhile, the plan of securing the Mississippi valley and opening the river, Grant advanced up the Tennessee, seeking to reach Corinth, a railway centre of northern Mississippi. On Sunday morning, April 6, he was suddenly checked by the overwhelming onset of a confederate force commanded by General Albert Sidney Johnston. The day's fighting drove Grant back to Pittsburg Landing. But federal reinforcements arrived under Buell; Johnston had been mortally wounded; and on Monday the confederates, under Beauregard, were forced to retire. Grant followed, and took Corinth, after a siege, on the 30th of May. The Mississippi was open as

Lower  
Mississippi  
campaign.

far as Vicksburg. It had been opened below Vicksburg, also, by the surrender of New Orleans. On the 18th of April Commodore Farragut had begun the bombardment of the forts below New Orleans; unable to take them at once, he had daringly run his ships past them on the 24th, and, with Butler's assistance, forced their surrender. On May 1st Butler entered the city, unopposed. Early in June Memphis was taken, after desperate fighting, by the river forces operating above.

In the East the federal forces were suffering a series of defeats. General Joseph E. Johnston, the confederate commander, had not followed up his signal victory over McDowell at Manassas. The war was then young, and the troops on both sides were raw and inexperienced. A period of further preparation followed. McDowell was superseded by McClellan, who was fresh from his successes in western Virginia; and McClellan spent the winter organizing and disciplining his forces, the "Army of the Potomac." When he took the field in the spring of 1862, he chose the old revolutionary fighting ground. Transporting his army by water to Fortress Monroe, he moved upon Richmond by the

Peninsula  
campaign.

peninsula that lies between the York and James rivers. A month was spent in the siege of Yorktown, which was evacuated on the 4th of May. Following his retreating opponents, McClellan again attacked them at Williamsburg, but did not prevent their crossing the Chickahominy. Johnston, in his turn, threw himself upon a portion of McClellan's army at Fair Oaks, before the rest of it had crossed this stream, and the federal forces were with difficulty saved from rout, after two days' fighting. Johnston was wounded in the conflict, and General Robert E. Lee succeeded him in the command. McClellan had expected to be joined by reinforcements under McDowell; but the brilliant manœuvres of another confederate commander had changed the plans of the authorities at Washington. This was Thomas J. Jackson, who had already won the sobriquet "Stonewall" by his steadfast gallantry in making stand against the charges of the enemy in the first battle of Manassas. By a series of sudden marches and surprises characteristic of his genius, he had cleared the Shenandoah valley of federal troops, and, seeming to threaten Washington, had kept McDowell there to defend the seat of government. Then he as suddenly turned about and carried his forces down by rail to assist Lee against McClellan. Together Lee and Jackson forced McClellan back to the James River, hammering at him irresistibly for seven days.

McClellan was practically deprived of command by the transference of most of his troops to General Pope.

But Pope fared even worse than McClellan.

Second  
Eastern  
campaign  
of 1862.

By a forced march through the mountains, Jackson turned his flank and defeated General Banks, in command of the western end

of his line, at Cedar Mountain, August 9. August

29 Pope's forces were attacked at Groveton and on the 30th routed at Manassas by Lee and Jackson. After sending out a force which captured Harper's Ferry, with its arsenal and supplies and eleven thousand federal troops, Lee then crossed the upper Potomac with his main body, entered Maryland, and fronted the federal army again, now once more under McClellan's command, at Antietam Creek. Here, on September 17, a battle was fought, so undecided of victory that Lee recrossed the Potomac and retired towards his base of operations. Still experimenting with commanders, the federal authorities put General Burnside at the head of the unhappy Army of the Potomac. December 13, Burnside threw himself upon the confederate forces occupying Fredericksburg heights, and was repulsed with great loss. Then there followed a pause until the spring.

#### 110. The Emancipation Proclamation (1863).

For a year and a half now Lincoln had maintained, against all radical suggestions, the conservative policy with which he had set out. He knew that <sup>Circumstances.</sup> the fighting force of the Union must come, not from the leaders of parties, who were thinking fast in these stirring times, but from the mass of unknown men who were thinking more slowly and upon a narrower scale. The rank and file of the nation, when the struggle began, was opposed to an abolition war. Had the war been short and immediately decisive for the Union, the federal power would not have touched slavery in the States. But it was not short. It was so long and so stubborn as to provoke the sternest resolutions and test to the utmost the strength and persistence of the purposes that sustained it. And as its strain continued, thought changed and purpose expanded. At first Mr. Lincoln had promptly

checked all attempts to set free the negroes in the territory overrun by the federal armies. But by September,

Preliminary 1862, he had made up his mind that it would  
proclamation. stimulate the forces of the North if the war

were made a war against slavery, as well as a war for the

Union; and that it would at the same time put the South

in the wrong before the opinion of the world, and imper-

atively prevent that foreign recognition of the southern

Confederacy which he dreaded. He waited only for

some victory in the field to furnish a dignified oppor-

tunity for the step he contemplated. Antietam served

his purpose sufficiently well; and on the 22d of Sep-

tember he issued a proclamation which gave formal notice

that unless the southern States yielded allegiance to the

Union within a hundred days thereafter, he should de-

clare the slaves within their limits free. On

the 1st of January, 1863, accordingly, he put

forth a formal proclamation of emancipation. The act

carried of course no other authority than that which the

President exercised as commander-in-chief of the mili-

tary forces of the government. As an act of military

power he could set free the negroes within territory

occupied by the federal armies, but his proclamation

could not abolish a legal institution. It served its pur-

pose, nevertheless, as an announcement of policy.

### 111. Radical Measures (1862-1863).

Meantime Congress also was growing more radical in policy. There had been a slight reaction in the country

against the President's abolition proclamation

of September, and there was a good deal of

dissatisfaction with the way in which the war had hith-

to been conducted. The autumn elections of 1862 had



reduced the Republican majority somewhat in the House of the Thirty-eighth Congress, which was to meet in December, 1863. But the existing House was not daunted, and the party policy was pushed forward. December 31, 1862, a practically revolutionary step was taken by admitting forty of the western counties of Virginia to the Union as a separate State, under the name of West Virginia. These counties had not shared the secession sentiment of the rest of the State, and when they came to make their choice between adhering to the State or adhering to the Union, had chosen the latter alternative and set up a revolutionary state government of their own. After Virginia seceded, Congress adopted the fiction which the western Virginians had pressed for acceptance, that this revolutionary government of the western counties was the only legitimate government of Virginia; assumed the consent of that government to a division of the State to be a sufficient satisfaction of the provisions of the Constitution; and erected the State of West Virginia.

By an Act approved March 3, 1863, the President was authorized to suspend the operation of the writ of *habeas corpus* in cases of persons suspected of disaffection towards the Union, as he had already been doing by declaring martial law in district after district ever since his first call for volunteers in April, 1861. The same day a stringent Draft Act became law, which provided for conscription by lot. The execution of this law caused intense excitement in some of the eastern States, and even provoked resistance. In some cases the officers in charge of the arrangements for the conscription acted in a grossly partisan manner, levying most heavily upon Democratic counties and districts. The most formidable outbreak against the execution of the Act took place in New York

city, where there were terrible "draft riots," during which the city was for four days, July 13-16, 1863, practically at the mercy of mobs. But inequalities of administration were corrected, and the provisions of the Act everywhere carried out.

Such legislation was thought to be necessary by reason of the growing magnitude of the war. Both fleets and

armies had to be created on the grand scale.

**Blockade.** A blockade of the southern ports had been proclaimed by President Lincoln on the 19th of April, 1861; but the southern coast stretched three thousand miles long; there were but forty-two vessels in commission; and the navy which was to make the blockade effective had to be created. The operations of the blockading squadrons were somewhat facilitated by the capture of Fort Hatteras, North Carolina, so early as August 29, 1861, and of Port Royal, South Carolina, November 7 of the same year; and the building and equipment of war ships of every pattern, old and new, was pushed forward with extraordinary rapidity; for the blockade was deemed as necessary as it proved difficult. Until the southern ports should be closed, southern cotton could be sent abroad, and arms and military supplies be brought back in exchange. It was expedient that the South should be shut in as speedily as possible to the rapid consumption of its own diminishing resources. Early in 1862 the con-

federates had nearly swept Hampton Roads of its federal squadron by the onset of the armored ram "Virginia," improvised out of the frigate "Merrimac;" but on March 9 the terrible successes of the "Virginia" were cut short by the arrival of Ericsson's turreted "Monitor," and it was evident to the world that

a revolution had been effected in naval warfare.

**Privateers.** Confederate privateers, and cruisers fitted out in foreign ports, went everywhere capturing United

States merchantmen, for a time almost sweeping the seas of all commerce under the federal flag. But the privateers were one after another taken, and more and more effectually the blockade was drawn about the southern harbors. The southern wealth of cotton was made useless.

### 112. Military Operations of 1863.

In the spring of 1863 military operations began again upon the fields of the previous year. After Fredericks-  
 Virginia campaign. burg, General Hooker had taken Burnside's place in command of the Army of the Potomac. Attempting a movement upon Richmond, Hooker met the forces of Lee and Jackson at Chancellorsville, on the second and third days of May, and was disastrously defeated. The confederates, however, suffered the irreparable loss of "Stonewall" Jackson, killed, by tragical mistake, by pickets of his own force. Following up his advantage, Lee again ventured upon a forward movement and invaded Pennsylvania. Here, at Gettysburg, he met General Meade, and was repulsed with heavy losses. The federal troops were strongly posted and intrenched; for three days, — the first three of July, — Lee's army beat upon them, and the second day saw their lines partly driven in, their position partly taken. But on the third day the lost ground was recovered, and Lee withdrew, his army almost decimated.

Almost at the same time Vicksburg, on the Mississippi, fell before Grant's persistent attack. The defence of  
 The Mississippi reopened. Vicksburg had been stubborn, prolonged, heroic, and almost successful. Plan after plan of attack had been tried by General Grant, and had failed. Finally, occupying the country back of the stronghold, and taking Jackson, the capital of the State, he succeeded in shutting up the confederate forces, under

General Pemberton, in the fortress. His assaults upon its works being always repulsed, he sat down to a regular siege, and in that way forced the garrison to surrender to him, half starved, on the 4th of July. July 9, Port Hudson, below, the only remaining confederate stronghold on the river, yielded to General Banks and the necessities of the situation, and the Mississippi was commanded throughout its entire length by the federal power: Louisiana and Texas were cut off from the rest of the Confederacy.

Presently the Union armies were pushed forward directly towards the heart of the Confederacy. After the evacuation of Corinth, Mississippi, by General Beauregard in the preceding May, Gen. Braxton Bragg had taken some 35,000 of the confederate force by rail to Mobile, and thence northward again to Chattanooga, which he occupied. From Chattanooga as a base, he moved upon Louisville, Kentucky; but an army under General Buell was too quick for him, checking him in a decisive action at Perryville, Oct. 8, 1862, and necessitating his retirement to Chattanooga. General Van Dorn had taken advantage of this diversion to lead a confederate force against Corinth, and had almost possessed himself of the town when he was driven back by General Rosecrans, on the second day of desperate fighting, Oct. 4, 1862. Step by step the operations of the two armies were transferred to the central strongholds of Tennessee and Georgia. Rosecrans succeeded Buell in command of the federal forces in Tennessee, and just as the year 1862 was closing and the year 1863 opening (December 31 to January 2), he encountered Bragg in three days' terrible fighting around Murfreesboro. The federal force held its ground against Bragg's terrific attacks, or, having lost it, regained it, and Bragg withdrew. Forced back by the movements of the

Confederate  
movement in-  
to Kentucky

Tennessee  
campaign.

federal armies during the summer and autumn of 1863, Bragg felt obliged to leave even Chattanooga itself to them; but at Chickamauga, Georgia, on the 19th and 20th of September, he made a stand against Rosecrans, and inflicted upon him a defeat which nothing but the extraordinary coolness and firmness of General Thomas, who commanded the left federal wing, prevented from becoming the most overwhelming federal disaster of the war.

General Grant now came from his success at Vicksburg to take charge of the army which Bragg had shut up in Chattanooga. Taking advantage of the absence of a portion of Bragg's besieging force, sent to meet Burnside in eastern Tennessee, Grant attacked Bragg's positions upon Missionary Ridge and Lookout Mountain, November 24 and 25, with such force and success as to compel him to break up the siege and retreat. Bragg fell back to Dalton. General Longstreet, with the force which Bragg had sent into eastern Tennessee, crossed the mountains and joined Lee in Virginia. Then came the winter's pause of arms.

### 113. The National Bank System (1863-1864).

The Thirty-eighth Congress convened Dec. 7, 1863, with a large Republican majority in the Senate, and a sufficient working majority in the House, and before its adjournment, July 2, 1864, had pushed forward very vigorously the financial legislation by which it was seeking to support the war. It authorized new loans, new direct taxes, new and heavier tariff duties, and it revised and amended the National Bank Act of the previous year. By a law of Feb. 25, 1863, a national bank system had been created, at the suggestion of Mr. Chase, the Secretary of the Treasury, based substantially upon the "free banking"

system originated in New York in 1838 (§ 49). June 4, 1864, a new Act was substituted for the legislation of the previous year, by way of a thorough revision of the measure first adopted. The immediate purpose of this legislation was to create a market for the bonds of the government. It helped the government very much while the war lasted, and it proved the foundation of an admirable financial system. It created a new Treasury bureau, under a "Comptroller of the Currency," whom it "authorized to permit the establishment, for a term not exceeding twenty years, of banking associations consisting of not less than five persons, with a minimum capital, except in small places, of one hundred thousand dollars. Such associations were required to deposit with the Treasury Department United States bonds to the extent of at least one-third their capital, for which there should be issued to them circulating notes in amount equal to ninety per cent of the market value of their bonds, but not beyond ninety per cent of the par value of such bonds." The issue of currency made in this manner was not to exceed three hundred millions, "that amount to be apportioned among the States according to population and banking capital." It was intended that state banks should take advantage of these Acts to obtain national issues; but very few of them did so until after the passage of the Act of March 3, 1865, which put a tax of ten per cent on their circulation. After that, hundreds of state banks were at once converted into national banks, and national bank notes superseded all others.

#### 114. Military Operations of 1864.

It was not Congress, however, but the fortunes of the armies in the field and the approach of another presidential election that principally engaged the attention of the

country. General Grant's steady successes in the West made him the principal figure of the war on the federal side, and in March, 1864, he was put in command of all the armies of the United States, with the rank of Lieutenant-general.

**General Grant**  
**commander-**  
**in-chief.** Giving the western command to General Sherman, whom he had learned to depend upon at Vicksburg and Chattanooga, he himself assumed direct control of the operations in the East against Lee. Then began the final movements of the war. In May, Grant, with Meade, advanced from the Potomac upon Lee, who lay between them and Richmond. The armies met in the "Wilderness." "Wilderness" of wood and thick undergrowth that stretched south of Fredericksburg and the Rappahannock to the York River. The federal army greatly outnumbered Lee's force, but Lee operated on shorter lines and behind intrenchments. Although forced slowly back by the flank movements of his opponent, which constantly threatened to cut him off from Richmond, the great confederate commander held Grant in hand for sixteen days of wellnigh continuous fighting, before making a stand at Cold Harbor. There, on the 2d of June, Grant stormed his position along its whole line, but was decisively repulsed with great loss within an hour. Failing thus upon Lee's front, Grant threw his forces across the James River to the left and advanced upon Petersburg, to cut off Richmond's supplies from the South; but here again he was balked of his purpose, and had to content himself with sitting down before Petersburg for a nine months' siege. There were operations, meanwhile, in the valley of Virginia, from which the federal forces under General Hunter had been driven earlier in the year. General Early, with part of Lee's troops, operating there during the summer and early autumn, defeated both General Lew

**Battles in the**  
**"Wilderness."**

**Advance on**  
**Richmond.**

Wallace and General Crook, and even, by a rapid movement, came upon the defences of Washington, when, with but a little more promptness, he might have taken them. But in the end he was driven back by Sheridan, and all forces concentrated about Richmond and Petersburg.

While Grant was forcing Lee back upon Richmond, Sherman was forcing Joseph E. Johnston, Bragg's successor in the confederate command, back upon Atlanta. As in the "Wilderness," so here, there was continuous fighting, but no set battle,

Last operations in Georgia.

Johnston not being strong enough to face Sherman in the open field, but only strong enough to effect a most handsome retreat. By July Johnston was in Atlanta, for a final stand upon the edge of the great tableland that stretched thence southward to the sea. Affecting dissatisfaction with Johnston's policy of retreat, President Davis removed him from the command and substituted General Hood. Sherman's chief difficulty was removed. Repulsing Hood's repeated rash attacks upon him, and moving around Atlanta, Sherman cut its lines of supply and took the place, September 2. Hood withdrew northward towards Tennessee, apparently hoping to draw Sherman after him. But Sherman left him to face Thomas, and himself prepared to march southward to the sea. Hood met and drove back a portion of Thomas's army at Franklin, Tennessee, and encamped before Thomas himself at Nashville. Here Thomas attacked him, December 15, and so utterly defeated him that his army was never brought together again as an effective force. Sherman meanwhile had moved as he pleased.

Sherman's march to the sea.

He had left Atlanta in November. In December he reached and took Savannah. Turning northwards thence, he traversed South Carolina, in the opening months of 1865, ruthlessly destroying and burning as he went. No seaport of importance



now remained in the hands of the confederates, for Mobile had been taken, August 5, 1864, by Admiral Farragut, in co-operation with land forces; Sherman's movements had forced the evacuation of Charleston; and before he left Savannah, Fort Fisher and Wilmington, North Carolina, had been taken by the naval and military forces operating there. Sherman had only to find employment for Joseph E. Johnston, who retreated before him in North Carolina, in order to leave Grant free to work his will upon Richmond and Petersburg.

#### 115. Presidential Election of 1864.

The presidential election of 1864 had resulted in the easy choice of Lincoln for a second term. It had looked for a time, to those who watched the politicians only, as if it would be difficult to obtain a re-nomination for Mr. Lincoln. He had not satisfied the radical men at all; he had seemed to them much too conservative about some things, and much too arbitrary about others. The feeling against him found strong expression in the resolutions of a convention of some three hundred and fifty persons which met in Cleveland, Ohio, May 31, 1864, and by acclamation nominated General John C. Frémont for the presidency.

The convention which met in Baltimore on the 17th of June to nominate Mr. Lincoln was not a Republican convention exclusively, but a convention of all the groups, Democrats included, who were in favor of the full maintenance of the Union. It put upon the ticket with Mr. Lincoln, therefore, as its candidate for the vice-presidency, Andrew Johnson, a Union man, but a Democrat, of Tennessee. Its platform strongly indorsed what the administration had done; favored the pensioning of the soldiers who had received "disabling

Dissatisfac-  
tion with  
Lincoln

Republican  
convention.

and honorable wounds ;" approved "the speedy construction of a railroad to the Pacific coast ;" and pledged itself to the full payment of the national debt, so enormously swelled by the war.

~~The Democratic convention, which met in Chicago on August 29, easily found strong grounds of complaint~~

Democratic against Mr. Lincoln's administration. In convention. very many cases he had unquestionably exceeded, oftentimes very greatly, his constitutional powers,

acting always in good conscience, no doubt, and certainly never with any purpose of usurpation, but doing what only the supreme exigency of the situation could in any wise warrant. But a supreme exigency did exist, and protest from the Democrats was of no weight at such a moment. They declared the war, moreover, to have been "four years of failure," and then made themselves ridiculous by nominating for the presidency General McClellan, who hastened to say, in his letter of acceptance, that it had been nothing of the kind. The result of the campaign was a foregone conclusion.

Result.

General Frémont withdrew, and Mr. Lincoln carried every State that took part in the election, except New Jersey, Delaware, and Kentucky. Almost immediately after his second inauguration came the end of the war.

#### 116. The End of the War (1865).

Assisted by Sheridan, Grant drew his overwhelming forces round about Lee, forcing him, the while, to weaken

Lee's sur- himself by desperate efforts to keep open his render. lines of supply to the south. April 2, Lee

withdrew from Richmond, which was no longer tenable, and sought to effect a junction with Johnston towards Danville; but everywhere he was cut off and outnumbered, and on April 9 he surrendered to Grant at Appo-

mattox Court House, being granted the most honorable terms by his generous antagonist. Both men and officers were to be released upon parole, and they were to keep their horses, "because they would need them for the spring ploughing and farm work." On the 26th, Johnston surrendered to Sherman upon similar terms, and the war was over.

But the President was dead. He was shot while in his box at Ford's Theatre, in Washington, on the evening of the 14th of April, by John Wilkes Booth, a distinguished actor, who was also a half crazed enthusiast for the southern cause. Mr. Lincoln's death took away the best assurance the country could have had of a wise policy of reconstruction. The assassin lost his life while trying to make good his escape.

## CHAPTER X.

CONSTITUTION AND GOVERNMENT OF THE  
CONFEDERATE STATES (1861-1865).117. *Method of Secession.*

STUPENDOUS as was the war struggle from every point of view, its deepest and most extraordinary qualities are revealed only when it is viewed from the side of the southern Confederacy. On the part of the North it was a wonderful display of spirit and power, a splendid revelation of national strength and coherency, a capital proof of quick, organic vitality throughout a great democratic body politic. A nation awoke into consciousness, shook its locks, and established its power. But its material resources for the stupendous task never lacked or were doubted; they even increased while it spent them. On the part of the South, on the other hand, the great struggle was maintained by sheer spirit and devotion, in spite of constantly diminishing resources and constantly waning hope. Her whole strength was put forth, her resources spent, exhausted, annihilated; and yet with such concentration of energy that for more than three years she seemed as fully equal to the contest as did the North itself. And all for a belated principle of government, an outgrown economy, an impossible purpose. There is, in history, no devotion not religious, no constancy not meant for success, that can furnish a parallel to the devotion and constancy of the South in this extraordinary war.

The separateness of the South in character and develop-

ment we have several times spoken of. It had again and again been manifested at critical moments in the history of national politics: more and more emphatically as the rest of the country expanded and changed its character. But never had it been so manifest as it became amidst the processes of secession and war. The South then resumed, most naturally, the political methods of 1788. The whole country had acted then, in adopting the new government of the Union, through conventions, as through sovereign bodies. The Constitution had not been submitted to the vote of the people. As the whole country acted then, so did South Carolina and her companion States act now, in the momentous winter of 1860-1861. Again popular conventions became sovereign bodies. They repealed the Acts of those elder conventions by which their States had come into the Union; they elected delegates to attend a common convention at Montgomery for the formation of a new confederation; and when the Montgomery convention had framed a constitution and chosen temporary officers for the new government, they ratified its acts. Nothing went to the people until the year's term appointed for the provisional government of the Confederacy had expired. Then the people chose electors and elected members to serve in the new Congress. The electors confirmed the provisional choice of Mr. Davis and Mr. Stephens as President and Vice-President.

This was but carrying the old theory of the sovereignty of the popular convention logically a little farther, using it to serve the pressing exigencies of a critical stage of transition, when concert and promptness of action counted for everything. It is impossible to believe that what was thus done lacked the substantial support of the people. That secession was the project of the leading classes in the South, the men in

Popular  
feeling in  
the South.

whom pride of race and of self-direction was most pronounced, is not to be doubted. Such a policy did not spring from the impulse of the great body of the white people in the South. In Georgia, at any rate, if nowhere else in the group of cotton States, there was at first a decided preponderance of opinion against any measures so extreme and hazardous. But the voting population of the southern States was in a sense the most political in the world, — the least likely to follow blindly, because the most deeply interested in politics, closely attentive to its issues, and even to its personalities, sensitive to nothing more keenly than to new aspects of public affairs. It could be managed by its leaders only because it was so thoroughly homogeneous, only because it so entirely understood and sympathized with their points of view. While the political leaders of the South, therefore, carried secession on their own initiative, they carried it by persuasion, not by usurpation; by the domination of argument rather than by mere domination of will. Men who intimately knew the minds of their fellow-voters went up and down the districts where there was doubt; convinced the majority that new terms should be made with the Union, and that better terms could be made out of it than in it; and gained, by appeal and the communication of strong convictions, that popular support without which they would have ventured to do nothing. If some were moved against their judgment, very few were moved against their principles.

The principles upon which secession was attempted were, indeed, plain enough to everybody in the South, and needed no argument. The national idea Principle of secession. had never supplanted in the South the original theory of the Constitution. Southern opinion had stood with Calhoun all along in regarding the Constitution as an instrument of confederation, not of national consoli-

tion. Even in the North the national idea had been slow to grow. Webster's interpretation of the Constitution, in his reply to Hayne, had been a prophecy rather than a statement of accomplished fact. Even after the southern States had acted upon the old-time theory and seceded, the North for a moment was not sure that they had acted beyond their right. It required the terrible exercise of prolonged war to impart to the national idea diffused vitality and authentic power.

### 118. The Confederate Constitution (1862).

The Constitution framed by the Montgomery convention, although in most respects a reproduction of the Constitution of the United States, was made very explicit upon all points of controversy under the older instrument. The southern leaders were not dissatisfied with the Constitution of the United States as they understood it; they were dissatisfied only with the meanings which they conceived to have been read into it by a too loose and radical interpretation. In the new constitution which they framed for themselves it was explicitly stated that in the adoption of the instrument each State acted "in its sovereign and independent character." Protective tariffs were specifically prohibited, as well as all internal improvements at the general charge. It embodied the principle of the recognition and protection of slavery in all the Territories of the new government. It added to the separate weight of the individual States by providing that in the Senate, when the question was the admission of a new State, the vote should be taken by a poll of the States; and by according to each of the several state legislatures the right to impeach confederate officers whose duties were confined to their own territory. The demand of three States was made

sufficient to secure the calling of a convention for the amendment of the constitution. The States were denied, on the other hand, the privilege which they had enjoyed under the federal Constitution, of granting the franchise to persons not citizens under the general law of naturalization.

Such other changes of the federal Constitution as were introduced were changes, for the most part, only of detail, meant to improve the older instrument where experience was thought to have shown it susceptible of alteration for the better. The presidential term was lengthened to six years, and the President was made ineligible for re-election. The President was given the right to veto individual items of appropriation bills, and Congress was forbidden to make any appropriations not asked for and estimated by the heads of the executive departments, except by a two-thirds vote, unless such appropriations were for the legitimate expenses of Congress itself or for the payment of just claims, judicially determined, upon the government. Congress was given the right to bring itself into closer co-operative relations with the Executive by granting seats, with the privileges of debate, to the heads of the executive departments; and it was granted a partial oversight of the President's relations with his subordinates by the provision that, except in the cases of the chief executive and diplomatic agents of the government, no official should be removed except for cause explicitly stated to the Senate. The power to emit bills of credit was withheld from Congress. The slave trade was prohibited, and Congress was empowered to prevent even the introduction of slaves from the States of the Union.

Much as there was among these changes that was thoroughly worth trying, it was of course impossible to test anything fairly amidst the furious storms of civil



war. One of the most interesting of them,—the permission to introduce the heads of the executive department into Congress,—had actually been practised under the provisional government of 1861; but under the formal constitution the houses, as was to have been expected, never took any steps towards putting it into practice. The Congress was inclined from time to time to utter some very stinging criticisms upon the executive conduct of affairs. It could have uttered them with much more dignity and effect in the presence of the officers concerned, who were in direct contact with the difficulties of administration. It might then, perhaps, have hoped in some sort to assist in the guidance of administration. As it was, it could only criticise, and then yield without being satisfied.

#### 119. Resources of the South (1861).

For it was inevitable in any case, in the presence of a war of such exigency, that the suggestions of the Executive should be imperative, its power very little restrained. Almost every atom of force stored up in the southern country had to be gathered into a single head of strength in the stupendous struggle that ensued, and only some central and unified authority could serve the instant necessities of command. The population of the country in 1860 was 31,443,321. The States which seceded contained less than one third of this population; and out of their 9,103,343 more than three million and a half were slaves. The white male population of the South, reckoning all ages, was only 2,799,818; and the North was to call more than two million and a half men into the field before the war ended. The South, moreover, was an agricultural region, and almost without material resources of any other kind. It

produced all the cotton, almost all the rice, and a very large proportion of the tobacco of the country. Nearly

**Products.** one-third of the Indian corn came from the southern fields; hardly more than one-fifth of

the wheat, however, and just one-tenth of the rye. Manufactures there were none, — except here and there an isolated cotton factory or flour mill. The principal markets for the great cotton and tobacco crops, moreover, lay beyond the borders of the Confederacy; the South bought what it needed in the shape of manufactured products in the North or abroad, where its own products were sold.

The wealth of the southern States was not a money wealth: the planters had no money until their crops were sold, and most of what they received then had to be devoted to the payment of what they had borrowed in anticipation of the harvest. As the federal government increased its navy from month to month, and the blockade of the Southern ports became more and more effective, the crops, which usually sold for millions, only accumulated, useless for the present, and without value, and money there was none. **Cotton and the blockade.** The value of the cotton export in 1860 was \$202,741,351; in 1861 it was but forty-two millions; in 1862 but four millions.

It was money and men and arms, of course, that the Confederacy most needed. The men were at first forthcoming in abundance: President Davis's call for volunteers was as heartily responded to as was President Lincoln's. But in the matter of money and arms it was different, and even men were presently hard to get. The federal arsenals in the South had been seized by the States as they seceded, and many thousand stand of arms and a great deal of ammunition had been seized with them; for their stores had been replenished as late as the spring of 1860, when General Scott was asking leave from the Secretary of War to station troops in the South

to prevent secession. Secretary Floyd had sent arms, but no soldiers. What was thus seized, however, did not suffice to equip even the southern armies that first went into the field; and there were no manufactories of arms or ordnance in the South.

#### 120. War Materials and Men (1861-1865).

Arms and military stores were sent for to England, and brought in through the blockade, or across Texas, after transportation through Mexico. Private Supplies. fowling pieces were purchased or contributed by their owners, and were actually used by the troops in the field. There were muskets in use and side-arms that had come down as heirlooms from the times of the Revolution. Preparations were begun to arm some regiments with pikes simply. Brass bells of all kinds and sizes were called for, to be melted down and cast into cannon; devoted housekeepers even contributed their brass preserving kettles, and everything else that they possessed that was made of brass, for the same purpose. Not until the war was more than half fought out, and almost decided, had the necessary factories been built and equipped for the manufacture of the arms and military supplies needed by the armies.

The supply of men, too, speedily proved inadequate as against the great levies of the North, and conscription was resorted to. In April, 1862, the Confederate Congress passed an Act making all males between Conscription. the ages of eighteen and thirty-five subject to military service, and in September of the same year the provisions of the Act were extended to all males between the ages of eighteen and forty-five. Before the war ended, the conscription was extended even to boys of sixteen and seventeen and to old men. Slaves served the armies from the first in labor upon fortifications, as

teamsters, hostlers, cooks, and body servants. Just before the close of the war, after much natural hesitation and debate, the Congress had, with something like the general consent, determined to enroll some of the slaves as troops. But this resolution was taken too late to be of any practical advantage, or disadvantage. The principal function of the slaves throughout was to cultivate the crops, which all the white men had been obliged to leave for service in the armies; and they proved both their docility and their contented faithfulness by keeping quietly and obediently to their tasks, with few but women to oversee them.

### 121. Financial Measures (1861-1865).

In its extraordinary straits for money, the government of the Confederacy had resort to every expedient known to finance, even the most desperate. It issued **Paper money.** treasury notes by the million, payable "six months after the close of the war," but never undertook to make them legal tender; it asked and obtained from the planters loans from their crops, promises that, when their cotton was sold, the price of a certain number of the **Cotton loans.** bales or of a certain proportion of the crop should be paid over to the government for the conduct of the war, eight per cent bonds being given in return. But as time went on, less and less of these crops could be sold, and the government was driven to make direct purchases of the products of the field, paying its eight per cent bonds therefor; for there was nothing else to pay. The States undertook to support their own quotas of troops so far as possible, and themselves began to make **Requisitions.** paper issues for the purpose. In some cases supplies for the armies were taken from the people as required, and state certificates of indebtedness paid for them. The property of all alien enemies was

sequestered. In 1863, not without exciting great indignation, the Congress authorized the seizure of food supplies at rates of payment fixed, not by the farmers, but by state commissioners, who were to make their assessments of prices every sixty days. At first both the farmers and the government had lived on credit, hoping for the sale of the crops; but at last, when credit was gone, it became necessary to live directly upon the produce of the fields. Repeated, even desperate, attempts were made by the Congress to prevent, by some legislative device, even by obligatory redemption, the rapid depreciation of the vast mass of paper that had got into circulation; but of course all attempts failed, and the circulating medium became almost worthless.

The crops did not fail. In 1864, the last and most disastrous year of the war, they were particularly abundant.

There was no lack of corn or garden produce or rich pasture. But the means of distributing what the fields produced, of bringing it within reach of the armies, and of others who were almost starving, were wretchedly inadequate. The southern lines of railway were few in number and inferior in equipment; and as the war advanced, their efficiency steadily declined. So great was the demand for men in the field that few were left to keep the roads in repair; so great the scarcity of iron that there were no materials for their repair. The rails wore out, and were not renewed; the running stock ran down, and could not be replaced. The railways came to be controlled almost wholly by the government, too, as means of military transportation, and the main lines were extended or repaired by the use of ties and rails taken from the shorter side lines. All provident management was out of the question.

Inefficient  
means of  
transportation.

**122. Character of the Government (1861-1865).**

Such trade as did make its way through the blockade was used, like everything else, to support the government.

**Foreign trade.** An order of the confederate Treasury commanded that no vessel be granted a clearance unless at least one half of her cargo were shipped, on government account, from the otherwise unsalable stores which the government had been accumulating. The history of the Confederacy was the history of the absorption

**Centralization.** of all the resources of the southern country into the hands of the confederate authorities.

Everything gave way, even law itself, before the inexorable exigencies of war. The executive *personnel* of the government was for the most part excellent; but excellence felt bound to approve itself in those days of trial and jeopardy by an energetic and effective prosecution of the war. The Congress, never meet-

**Congress.** ing the heads of the departments face to face, and yet bound to provide for every executive need, was as wax in the hands of the Executive; it hardly carried weight enough to make an effectual resistance. At first some men of marked ability had entered it. But there seemed greater need for leaders in the field of battle than for leaders in counsel; the rewards of distinction were much greater at the front than in the debates at Richmond; and the Congress was left almost stripped of men of influence and initiative. Its weight in counsel was still further lessened by the somewhat fictitious character of its make-up. In both the first and second Congresses of the Confederacy members were present from Kentucky and Missouri. The people of certain portions of those States, in their passionate sympathy with the States which had seceded, had broken with their own state governments in revolutionary fashion, and had

sent representatives to the confederate House and Senate. And the confederate Congress had admitted them to seats, upon the theory that they represented the real popular authorities of their States.

From the first, when subjects of defence were under consideration, the sessions of the Congress had been secret; as the struggle advanced, this privacy of action was extended to a large number of other subjects, and secrecy became more and more the rule. This was due, no doubt, to a combination of influences. Military affairs engrossed most of the time and attention of the body, and it was not prudent to discuss military affairs in public. But, more than that, it became increasingly difficult to command the approval of opinion out of doors for what was done by the government. Whatever might have been the necessity for the executive domination which had been so absolutely established, the people grew very restless under it. The writ of *habeas corpus* had been early suspended in the South, as in the North, and every one suspected of being out of sympathy with the government was subject to arbitrary arrest. A passport system, too, had been put in force which placed exasperating restraints upon the free movement of individuals.

### 123. Opposition and Despair (1864).

It was not easy to bear, even for the purposes of the war, so complete an absorption alike of all authority and of all the resources of the country into the hands of the Executive as had taken place, with the assistance of the Congress. Exhaustion and despair began to supervene upon the terrible exertions and sacrifices which the awful struggle had necessitated. There was a certain, not inconsiderable, body of opinion which from the first had not been convinced of the jus-

tice and wisdom of the war. It had yielded to the major judgment under the exasperation of coercion by the North and of federal emancipation of the slaves. These measures had set the faces of all alike as steel to endure the contest. But conservative opinion had assented to secession at the first only as a promised means of making new terms with the Union. After giving many soundest proofs of its submission to the general will, it at length grew impatient for peace.

As the war advanced beyond the disasters of 1863, hope declined, and despair showed itself more openly.

**Desperate situation.** The ports were closed, and the South was left to eat its heart out with the desperate fighting. There was no longer any shadow of hope of foreign recognition. For a time the English spinners had not felt the pinch of cotton famine; there was as much cotton in Liverpool at the beginning of the year 1862 as there had been at the beginning of 1861. And when the pinch did come, the spinners declared themselves, nevertheless, against slavery or the recognition of a slave government. Except for the sake of the spinners, England had nothing to gain by a recognition of the southern Confederacy. The bulk of her trade was with the North, and the North was powerful enough to resent interference. And so the demand for peace at length grew clamorous even in the South. Wholesale desertions from the confederate army became common, the men preferring the duty of succoring their starving families to the desperate chances of further fighting.

And yet the end did not come until Sherman had made his terrible march through Georgia and the Carolinas, — **Devastation.** a march almost unprecedented in modern warfare for its pitiless and detailed rigor and thoroughness of destruction and devastation. It illustrated the same deliberate and business-like purpose of destroy



ing utterly the power of the South that had shown itself in the refusal of the federal government to exchange prisoners with the Confederacy. The southern prisons were left full to overflowing with thousands upon thousands of prisoners because the South was known to be using up her population in the struggle, and it was not thought best to send any fighting men back to her. The southern troops were themselves enduring hunger for lack of supplies; and the prisoners too, of course, suffered severe privations, aggravated by the necessity of placing large numbers under the guard of small forces, by the difficulties of transportation, and by a demoralization in prison administration inevitable under the circumstances. It was impossible that they should be well cared for in such overwhelmingly burdensome numbers. But General Grant said that they were dying for the Union as much where they were as if they died in the field.

And so the war ended, with the complete prostration and exhaustion of the South. The South had thrown her life into the scales and lost it; the North had strained her great resources to the utmost; there had been extraordinary devotion and heroism and mastery of will on both sides; and the war was over. Nearly a million men had lost their lives; the federal government had spent almost eight hundred millions of revenue upon the war, and had accumulated, besides, a debt of nearly three thousand million dollars. Cities, too, and States had poured out their revenues for the purposes of the war. Untold amounts of property had been destroyed. But now it was over; the federal army of over a million men was rapidly disbanded, being sent home at the rate of three hundred thousand a month; and only fifty thousand men were retained as a standing force. Now that the whirlwind had passed, there was much to be reconstructed.

## V.

# REHABILITATION OF THE UNION

(1865-1889).

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## CHAPTER XI.

### RECONSTRUCTION (1865—1870).

#### 125. The Problem of Reconstruction (1864—1865).

THE federal Constitution, no less than the confederate, had suffered severe strain under the weight of war. It had not been framed for times of civil strife. The President felt himself forced by circumstances to exercise an arbitrary power in many things. The Department of War became the real government of the country. Arbitrary arrests were made by the thousand, not only in the border States and where the federal armies were in occupancy, but also in the North. No one suspected of disaffection was safe. Judges were seized, mayors of cities, in Maryland members of the state legislature, and everywhere editors of newspapers and those who held "peace meetings," as well as those who were accused of being spies or deserters or of resisting the draft. The President suspended the writ of *habeas corpus* as he pleased, Congress following many months behind him in Acts validating what he

The Consti-  
tution and  
the war.

did. Men of all ranks and conditions lay imprisoned without hope of trial. There was of course no purpose of absolutism in all this. Mr. Lincoln did all things with a wakeful conscience, and certainly without any love of personal power for its own sake; seeing substantial justice done, too, wherever he could. But the Constitution was sadly strained, nevertheless.

The close of the war, while it removed the old stress, put a new and even severer one upon the Constitution, and Mr. Lincoln was no longer present to exercise a restraining wisdom. Now that the war was over, what was the status of the

Status of southern States. States which had attempted secession? Were they still members of the Union, and could their participation in its affairs be resumed just where it had been left off? Here was another situation for which the Constitution had made no provision. If, as the Supreme Court subsequently held, in the leading case of *Texas v. White*, the government from which they had sought to withdraw was "an indestructible Union of indestructible States," they had, in legal theory at any rate, succeeded neither in severing their connection with the federal government nor in destroying their own existence as States. They were still States, and States in the Union. But what sort of States, and in what condition? In what relation did they now stand to the government they had sought to destroy? The President and Congress had not been in agreement upon these questions. Congress had not even been careful to be consistent with itself in its actions concerning them. It had recognized, as we have seen, the revolutionary government set up in the western counties of Virginia in 1861 as the regular government of the whole State, and had acted upon its consent in erecting the State of West Virginia. But when the officers of that government afterwards removed to Alexandria and set up

its rule over such counties as were within the federal lines, Congress began to withdraw its recognition. At first it admitted both to the Senate and to the House persons sent to represent the "Virginia" of this government; but after 1863 it declined any longer to receive its representatives, although it meanwhile permitted one of its senators to remain until his death, and the other until the expiration of his term.

The President had held a very consistent theory, and pursued a very consistent course, from the first. While

Lincoln's  
views and  
policy.

he conceived secession to have broken up the governments of the States engaged against the Union, he also deemed it his duty to resume full civil relations with such portions of the South as had been reduced to obedience, and to see that regular and legitimate governments were constituted in them as soon as possible. Acting under his constitutional power to grant reprieves and pardons, as well as by authorization of an Act of Congress of July of the previous year, he had issued a proclamation of amnesty so early as December, 1863. Full forgetfulness and full restoration to all property rights, except those in slaves, were offered to all who would take oath faithfully to "support, protect, and defend the Constitution of the United States, and the union of the States thereunder," and "in like manner abide by and faithfully support" all Acts of Congress or proclamations of the President with reference to slaves, "so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court." Certain classes of persons who had taken a prominent part in secession, or who had left the service of the United States for the service of the southern Confederacy, were excepted from the amnesty; but, for the rest, it was declared that in any State which had attempted secession, so soon as one tenth of the voters of 1860 should

have qualified by taking the oath, and should have set up governments republican in form under the meaning of the Constitution, those governments would be recognized by the federal Executive, although Congress would have to determine for itself the question of admitting represen-

Preliminary reconstructions. tives elected under their authority to seats in the Houses. Arkansas had been reorganized under the federal authority substantially after this fashion in 1863, before the proclamation; and before the presidential election of 1864 Mr. Lincoln had recognized new governments in Louisiana and Tennessee. But when electoral votes were sent in from Louisiana and Tennessee, the houses refused to receive them; and this notwithstanding the fact that representatives from Louisiana had been admitted to seats in the House during the last month of the preceding Congress.

#### 126. Policy of Andrew Johnson (1865).

Mr. Lincoln's death made no break in the presidential theory with regard to the right constitutional method of reconstruction, Johnson's character. for Mr. Johnson, the Vice-President, held views upon the subject practically identical with those upon which Mr. Lincoln had acted: But the change of Presidents made all the difference possible in the manner and temper of executive action. Johnson had not a touch of Lincoln's genius for understanding and persuading men. Of equally humble origin, he had risen, by virtue of a certain pugnacious force and initiative of character, to high posts of public trust; ~~but his powers had never been schooled or refined as Lincoln's had been.~~ — they always retained their native roughness; he was rash, headstrong, aggressive to the last. The party which had elected him, too, was already inclined to suspect him. Although a Union man, he had been a Democrat. He had been Senator from

Tennessee when that State seceded, but had treated her act of secession with contempt, ignoring it, and remaining at his post in the Senate. He sympathized with southern men, however, in almost everything except their hostility to the Union; held strict views of state rights with an ardor and stubbornness characteristic of him; and was sure to yield nothing for the sake of accommodation. He could not be right without so exasperating his opponents by his manner of being right as to put himself practically in the wrong.

During the first eight months of his presidency there was no chance for Congress to interfere; until the houses should meet, Dec. 4, 1865, he could have his own way in dealing with the southern States. The governments of Arkansas, Louisiana, and Tennessee ~~had already been reorganized~~ by the voters who could take the oath of Mr. Lincoln's amnesty proclamation. In Virginia the "Alexandria government" had called together a convention, elected by the counties within the federal lines, in the spring of 1864; and that convention had adopted a constitution which embodied the ideas of Mr. Lincoln's proclamation, the abolition of slavery and the disfranchisement of those who had taken prominent parts under the Confederacy. In May, 1865, upon President Johnson's refusing to recognize the governor whom the Virginians had elected under the Confederacy, the Alexandria government became the regular government of the State. The constitution of 1864, with some modifications, but still retaining its prohibition of slavery, was adopted by the people.

The President pushed forward the processes of reconstruction in the other States. May 29, 1865, he put forth an amnesty proclamation, which was substantially the same as Mr. Lincoln's, although it considerably increased

the list of those who were to be excluded from its privileges. By the middle of July he had appointed provisional governors in all the States not yet reorganized. The voters in those States who could qualify under the proclamation at once proceeded to hold constitutional conventions and erect governments under them, being assured of the President's recognition and support, should they agree to the abolition of slavery and establish governments which seemed to him republican in form within the meaning of the Constitution. In every State, except Texas, these processes were complete by the autumn of 1865, and senators and representatives from the southern States were ready to apply for admission to their seats when Congress should convene.

The new southern legislatures, moreover, had in the meanwhile ratified an amendment to the Constitution which Congress had adopted the previous winter; and without their ratification this amendment would lack that assent of three-fourths of the States which the terms of the Constitution made indispensable to its validity. Feb. 1, 1865, Congress had proposed to the States a Thirteenth Amendment to the Constitution, which should prohibit both slavery and involuntary servitude "within the United States or any place subject to their jurisdiction," except as a punishment for crime; thus recalling the terms of the Wilmot Proviso and of the celebrated Ordinance of 1787 for the government of the Northwest Territory. West Virginia, Maryland, Tennessee, and Missouri, to whose territories Mr. Lincoln's emancipation proclamation had not applied, had by constitution or statute already begun a process of emancipation. If the proclamation had legal validity, slavery existed only in Kentucky and Delaware. Those two States refused to ratify the Amendment. Texas, — which

Additional  
reconstruc-  
tion.

Thirteenth  
Amendment.



had not yet effected the organization of a new government,—and Mississippi and Florida did not act upon it at this time. It was accepted by eleven of the former slaveholding States, however, together with sixteen free States; and on December 18 the Secretary of State, Mr. Seward, made official proclamation of its embodiment in the Constitution by the constitutional vote of twenty-seven of the thirty-six States. If the southern States did not have regular and legitimate governments, was this Amendment valid?

#### 127. Acts of Southern Legislatures (1865-1866).

Congress had come together, however, on December 4, 1865, in no temper to look with favor upon the new governments of the southern States. While the southern conventions, met for reconstruction, had adopted constitutions which abolished slavery, and the legislatures organized under those constitutions had adopted the Thirteenth Amendment, and so apparently given earnest of the acceptance by the South of the results of the war, those very legislatures had immediately proceeded to pass laws which seemed to embody a deliberate purpose to keep the negroes in "involuntary servitude," if not in virtual slavery. In most respects the negroes were put at once upon a footing of equitable equality with the whites in all civil rights; but the southern legislatures could not but regard with profound apprehension the new, unaccustomed, unpractised, and yet wholly unrestrained liberty of so vast a "laboring, landless, homeless class." In several of the States accordingly, — notably in Mississippi and South Carolina, — statutes were passed with regard to employment, labor contracts, and vagrancy, which singled out the negroes for subjection to very stringent and exceptional restraints. Those who

Status of  
the negro.

Labor  
system.

would not work at the current rates of wages were to be considered vagrants, and subjected to unusual penalties. A great number of the minor, but more annoying and demoralizing, offences likely to be committed by the freedmen were made punishable by fine; and if the fine could not be paid, the culprit was to be hired out to work, by judicial process. An apprentice system was in some instances adopted, by which all minor negroes were made subject to be bound out to labor until they should attain a certain age. Written contracts of labor, or else licenses to perform job work, issued by the mayors or police authorities of their places of residence, were in a great many cases required, which the negroes must show when challenged in that regard, to avoid charge of vagrancy; and if proved vagrants, they could be arrested, fined, and made to pay off the fine by compulsory labor.

#### 128. *The Temper of Congress (1865).*

To the southern law-makers such restraint and compulsion seemed to be demanded by ordinary prudence for the control and at least temporary discipline of a race so recently slaves, and therefore so unfit to exercise their new liberty, even with advantage to themselves, without some checks put upon them. But to Congress they seemed plain and wilful violations of the freedom of the negro, evidences of an open and flagrant recalcitrancy against the results of the war. Opinions were beginning to prevail among the members which looked towards a radical policy of reconstruction which should subject the southern States completely to the will of Congress. The Constitution having, of course, failed to provide for such a situation as that which now existed, many theories had been held with regard to the status of the southern States after their defeat. Some

believed that, although the ordinances of secession had been legally null and void, the southern States had, by their resistance to the laws of the Union, divested themselves of statehood, and had, when defeated, become, not States again, but mere conquered possessions of the federal government. "A Territory by coming into the Union becomes a State, and a State by going out of the Union becomes a Territory." Others held, with Thaddeus Stevens of Pennsylvania, that the resistance of the South to the Constitution and laws of the Union had suspended all federal law so far as they were concerned; and that that law did not revive with regard to them until once more declared in force, because of fully renewed conditions of obedience, by the law-making and war-making power of the general government, — that is, by Congress. Congress, therefore, could reconstruct the southern States as it pleased, and revive the federal Constitution with regard to them only when it had finished.

This was the theory which Congress practically adopted. It came together in December with a Republican majority obtained in 1864. A strong delegation of Republicans, chosen under military superintendence in the border States, raised that majority to more than two-thirds in both Houses, — a force strong enough, if united in opinion, to carry through any policy it chose, with the motto "Thorough." When organizing, the names of "Thorough." all of the States that had seceded were omitted in the roll-call; and immediately upon effecting an organization, a concurrent resolution was passed by the two houses, appointing a joint committee, of nine representatives and six senators, to inquire into the condition of the seceding States, and to advise Congress upon the question of their being entitled to representation under their existing organizations. By the opening

of March, 1866, a joint resolution had passed, to the effect that neither senators nor representatives should be received from the southern States until Congress should declare them entitled to representation by full re-admission to the Union. This was meant to checkmate the presidential scheme of reorganization. The House had already resolved that the troops should be kept at their stations in the South until their recall should be directed by Congressional action. The temper of Congress had been raised to this pitch of authoritativeness by the irritations to which it was subjected from two quarters. It was annoyed that the President should have hastened to be beforehand with it in reorganizing and practically reinstating the southern governments; and it was exasperated by the laws which the southern legislatures had passed in despite of the freedom of the blacks.

That legislation proved of comparatively little effect; for the last Congress had, by an Act of March 3, 1865, established in the War Department a "Bureau of Freedmen's Refugees, Freedmen, and Abandoned Lands," to which it had given very wide authority to assist the somewhat bewildered and quite helpless hosts of liberated slaves in finding means of subsistence and in establishing their new privileges and immunities; and the officers of this bureau had been even officiously active in securing for the negroes the protection of federal authority against all unfriendly discriminations of local law. But that the southern legislation was of slight practical importance did not render it the less offensive to the Republican majority in Congress.

#### 129. *The President vs. Congress (1866).*

The law which established the "Freedmen's Bureau" had limited its existence to one year. On February 6

1866, therefore, another bill was passed, continuing it indefinitely. But, besides continuing it, the bill proposed very greatly to increase its powers, and made any attempt to obstruct, interfere with, or abridge the civil rights and immunities of the freedmen a penal offence, to be adjudged and punished by federal military tribunals. The President vetoed the measure, alleging, among other reasons for his action, the fact that the bill had been passed by a Congress in which the southern States were not represented. An attempt to pass the measure over the President's veto failed of the necessary majorities; there were some members among the Republicans who were not yet prepared for an open breach with the Executive. But the President was rash and intemperate enough to force a consolidation of the majority against him. Having occasion to make a public speech on February 22, he spoke of Congress in the most bitter terms of contempt and condemnation, ascribing to its leaders disloyal and even criminal motives. In March Congress showed how it meant to respond by taking the government into its own hands and making law over his veto. It sent to the President a "Civil Rights" bill, declaring "all persons born in the United States, and not subject to any foreign power," citizens of the United States, denouncing penalties against all interferences with the civil rights of any class of citizens, and giving to officers of the United States the right to prosecute, and to the federal courts alone the right to try, all such offences. The President vetoed the bill as both unwise and in excess of the constitutional powers of Congress. It was promptly passed over his veto, and Congress moved on to complete its policy without his assistance.

Second Bureau Act.

Civil Rights legislation.

**130. The Congressional Programme (1866).**

Not wholly undisturbed, it would seem, by the President's constitutional objections to the Civil Rights bill, Congress proposed to the States in June, 1866, the Fourteenth Amendment to the Constitution, to incorporate the principles of the bill in the fundamental law. It made "all persons born or naturalized in the United States, and subject to the jurisdiction thereof," citizens both of the United States and of the several States of their residence; provided for a reduction of the congressional representation of any State that should withhold the franchise from any male citizens of the voting age; excluded from federal office the most prominent servants of the Confederacy until Congress should pardon them; and invalidated all debts or obligations "incurred in aid of insurrection or rebellion against the United States." The acceptance of this Amendment by the southern States was to be regarded as a condition precedent to their recognition by Congress. In July a bill continuing the Freedmen's Bureau for two years, directing the sale of public lands to the negroes on easy terms, appropriating the property of the confederate government to their education, and providing military protection for their rights, was passed over the President's veto. By an Act of July 24, 1866, Tennessee, which had already accepted the Fourteenth as well as the Thirteenth Amendment, was admitted to representation in Congress. Four days later Congress adjourned.

Before the adjournment the joint committee of fifteen which had charge of the Congressional policy of reconstruction presented a report, June 18, admirably adapted to serve as a manifesto and campaign document; for a new House of Representatives was to be elected before Congress should

Report on  
reconstruc-  
tion.

convene again. It declared that the governments of the States recently in secession were practically suspended, by reason both of the irregular character of the new governments which had been set up, and of the reluctant acquiescence of the southern people in the results of the war; and that it was essential to the preservation of the Union that they should not be reinstated in their former privileges by Congress until they should have given substantial pledges of loyalty and submission. The President's friends, on their part, both Republicans and

Democrats, got together in convention and made a demonstration of adherence to the President and his policy of reconstruction which did not fail of producing a considerable impression. But the President hastened to utter violent speeches, which swelled the number of his radical opponents as rapidly as the leaders of the Congressional majority could have desired. On a midsummer trip to Chicago he made coarse and intemperate attacks upon Congress at almost every stopping-place. In October the southern States began to reject, one after another, the Fourteenth Amendment. In December Congress came together triumphant and ready to push its triumph. The next House had been elected, and was to contain as huge a Republican majority as the present House. It now only remained to formulate the means by which the southern States were to be forced to accept the Amendment.

The President accepts the issue.

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### 131. Reconstruction by Congress (1867-1870).

A caucus of Republican members framed a programme, and Congress carried it out with a high hand over what

ever vetoes Mr. Johnson ventured to interpose. It was provided that Congress should convene on the 4th of March, instead of in December, in order to deprive the President of the opportunity for

Acts to curb the President.

the exercise of authority afforded by the long Congressional recess; the rules were strengthened which were to prevent southern members from getting their names upon the roll at the organization of the new Congress; an Act was passed, — known as the Tenure of Office Act, — making the President's power of removal from office, as well as his power of appointment, subject to the approval of the Senate; and a rider to the Appropriation Bill made General Grant, already in charge of the whole military force of the government, practically independent of the President in his command. Universal suffrage was established in the District of Columbia and in the Territories. Nebraska was admitted to the Union, March 1, 1867. Nevada had been added to the list of States, October 31, 1864. These measures were but to establish the authority and prestige of the majority. They simply cleared the way for the great Reconstruction Act which became law March 2, 1867. On March 4 the new Congress convened: before the end of the month it had passed a supplementary Act which completed this extraordinary legislation; and the process of disciplinary and compulsory reconstruction went forward at once.

The southern States, with the exception of Tennessee, which had already been admitted to representation, were to be grouped in five military districts, which were to be put under the command of generals of the army appointed by the President. These military commanders were themselves to conduct the process of reconstruction. They were to enroll in each State, upon oath, all the male citizens of one year's residence not disqualified to vote by reason of felony or excluded under the terms of the proposed Fourteenth Amendment; and they were then to hold an election in each State for delegates to a state convention, in which only registered voters should be permitted to vote or to stand as candi-



dates, the number of delegates to be chosen being apportioned according to the registered vote in each voting district. These conventions were to be directed to frame constitutions extending the franchise to all classes of citizens who had been permitted to vote for delegates; the constitutions so framed were to be submitted to the same body of voters for ratification, and, if adopted, were to be sent to Congress, through the President, for its approval. When its constitution should have been approved by Congress, each of the reconstructed States was to be re-admitted to representation so soon as its new legislature had ratified the Fourteenth Amendment. Meanwhile its government was to be deemed "provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, control, or supersede the same." Such was the policy of "Thorough" to which Congress had made up its mind.

Its practical operation was of course revolutionary in its effects upon the southern governments. The most influential white men were excluded from voting for the delegates who were to compose the constitutional conventions, while the negroes were all admitted to enrolment. Unscrupulous adventurers appeared, to act as the leaders of the inexperienced blacks in taking possession, first of the conventions, and afterwards of the state governments; and in the States where the negroes were most numerous, or their leaders most shrewd and unprincipled, an extraordinary carnival of public crime set in under the forms of law. Negro majorities gained complete control of the state governments, or, rather, negroes constituted the legislative majorities and submitted to the unrestrained authority of small and masterful groups of white men whom the instinct of plunder had drawn from the North. Taxes were multiplied, whose proceeds went for the most

"Carpet-bag" governments

part into the pockets of these fellows and their confederates among the negroes. Enormous masses of debt were piled up, by processes both legal and fraudulent, and most of the money borrowed reached the same destination. In several of the States it is true that after the conventions had acted, the white vote was strong enough to control, when united; and in these reconstruction, when completed, reinstated the whites in power

Reconstruction completed.

almost at once. But it was in these States in several cases that the process of reconstruction was longest delayed, just because the white voters could resist the more obnoxious measures of the conventions; and in the mean time there was military rule. By the end of June, 1868, provision had been made for the readmission of Arkansas, the two Carolinas, Florida, Georgia, Alabama, and Louisiana to representation in Congress. Reconstruction was delayed in Virginia, Mississippi, and Texas because of the impossibility of securing popular majorities for the constitutions framed by the reconstructing conventions, and Georgia was again held off from representation for a time because her laws had declared negroes ineligible to hold office. It was not until January 30, 1871, therefore, that all of the States were once more represented in Congress.

Meantime, however, a sufficient number of ratifications had been obtained for the Fourteenth Amendment; and on the 28th of July, 1868, it was finally proclaimed part of the fundamental law. A Fifteenth Amendment, moreover, had been added. February 26, 1869, Congress had proposed an amendment specifically forbidding either the United States or any State to deny or abridge the right of citizens of the United States to vote "on account of race, color, or previous condition of servitude;" and it was agreed to make it a further condition precedent to the admission of Virginia, Georgia, Missis

issippi, and Texas, belated in their reconstruction, that their legislatures should ratify this, as well as the Fourteenth Amendment. It was adopted by the necessary number of States, and finally declared in force March 30, 1870.

### 132. Impeachment of the President (1868).

The Congressional policy of "Thorough" had not been carried through without forcing to an issue of direct hostility the differences between Congress and President Johnson. The President's repeated vetoes of its most important measures, his open utterance of the most bitter contempt for it, his belligerent condemnation upon every ground of its policy of reconstruction, had rendered Congress as intemperate and aggressive as Mr. Johnson himself; and at last the unedifying contest was pushed to the utmost limit. The Tenure of Office Act of March, 1867, had sought to deprive the President of the power of removing even cabinet officers without the approval of the Senate. In August, during the Congressional recess, Mr. Johnson demanded the resignation of Edwin M. Stanton, the Secretary of War, whom he had retained in office along with the other members of Mr. Lincoln's cabinet. Mr. Stanton refused to resign, and the President suspended him from office, as the terms of the Act permitted him to do. But when Congress re-assembled, the Senate refused to sanction the removal. Mr. Johnson thereupon resolved to ignore the Tenure of Office Act, which seemed to him a palpable invasion of his constitutional privileges, and force Congress to an issue. Again he removed Stanton; again Stanton refused to quit his office, appealing to the House for protection. On February 24, 1868, the House resolved to impeach the President for high crimes and misdemeanors. The trial was begun in the Senate on the 5th of March. A vote

Collision  
with the  
President.

Stanton  
episode.

was reached on several of the articles of impeachment on May 16, and the vote stood, thirty-five for conviction, nineteen for acquittal. Seven Republican senators had voted with the twelve Democrats, and the two-thirds majority necessary for conviction could not be secured. A verdict of acquittal was entered. The Secretary of War resigned his office. The President had won the fight against the obnoxious Act. But he had hardly won it with dignity; for while the trial was actually in progress he had gone about the country, as before, pouring out passionate speeches against Congress.

### 133. Presidential Campaign of 1868.

Mr. Johnson was a Democrat, and the views which he had so passionately striven for in the matter of the reconstruction of the southern States were the views of the Democratic party. He had not won the confidence of the Democrats, however, by earning the hostility of the Republicans. So far as the presidency was concerned, he was, it turned out, as impossible a candidate for either party as Mr. Tyler had been. The Republican nominating convention, which met in Chicago on the 20th of May, 1868, just four days after the failure of the impeachment trial, unanimously and with genuine enthusiasm named General Grant for the presidency, trusting him as a faithful officer and no politician. The Democrats, who met in New York on the 4th of July, nominated Horatio Seymour of New York. Issue was squarely joined in the platforms upon the policy of reconstruction. But the result was not doubtful. Three of the southern States were shut out from taking part in the election because not yet reconstructed, and most of the rest were in possession of negro majorities; while most of the northern States were of a mind to support Congress in its policy of "Thorough"

towards the South. Two hundred and fourteen electoral votes were cast for the Republican candidates, eighty for the Democratic; though the aggregate popular majority of the Republicans was but little more than three hundred thousand in a total vote of nearly six millions.

The four months which remained to Mr. Johnson as President passed quickly away, and on the 4th of March, 1869, General Grant assumed the responsibilities of successor to the stormy Tennessean. Mr. Johnson's four years of office had certainly been among the most tempestuous and extraordinary in the history of the country, their legislative record crowded with perplexities for the constitutional lawyer and the judicious historian alike. One event of no little significance had marked the foreign relations of the government. In 1862 France

The French in Mexico. had undertaken to interfere in the affairs of the distracted Mexican Republic by setting up a throne there for the Archduke Maximilian of Austria, — an amiable and enlightened prince who deserved a function worthier of his powers. French troops established and sought to maintain the monarchy in the interest of the clerical and landed classes of Mexico. But the United States viewed the movement with hostility from the first; and so soon as the civil war was over, added to protests a significant concentration of troops upon the Mexican border. The French thereupon withdrew. But Maximilian thought it his duty to remain, — only to fall into the hands of ruthless opponents, and meet his death, by condemnation of a military commission, June 19, 1867. The Monroe doctrine had been successfully asserted, with truly tragical consequences.

The year 1867 saw a still further addition of territory to the United States by the purchase of Alaska Alaska. from the Russian government for a little more than seven million dollars.

## CHAPTER XII.

**RETURN TO NORMAL CONDITIONS (1870-1876).****134. Restoration of Normal Conditions.**

THE year 1876 marked not only a point of national sentiment, in the completion of one hundred years of independence, but also a real turning-point in the history of the country. Normal conditions of government and of economic and intellectual life were at length restored. The period of reconstruction was past; Congress had ceased to exercise extra-constitutional powers; natural legal conditions once more prevailed. Negro rule under unscrupulous adventurers had been finally put an end to in the South, and the natural, inevitable ascendancy of the whites, the responsible class, established. Something like the normal balance of national parties also had been restored; votes were beginning to lose their reminiscence of the war, and to become regardful first of all of questions of peace. Economic forces, too, recovering from the past, were gathering head for the future. The nation was made to realize this when it took stock of its resources at the great Centennial Exposition in Philadelphia. At last the country was homogeneous, and had subordinated every other sentiment to that of hope.

General Grant remained President for two terms, and the eight years of his incumbency were years at once of consummation and of recuperation, during which the Republican party completed its policy of reconstruction

and the country pulled itself together for the new and better career that was before it. Congress hastened, after the passage of the Fourteenth and Fifteenth Amendments, to support them by penal legislation. May 31, 1870, and April 20, 1871, laws were enacted, popularly known as the "Force Bills," which denounced fine and imprisonment against all hindrances or interferences, either attempted or accomplished, in restraint of the exercise of the franchise by the negroes, or the counting of the votes cast by them; and the courts of the United States were given exclusive cognizance of all offences under these Acts. There was unquestionably a deliberate

**Ku-Klux** and more or less concerted effort made by the  
**movement.** whites of the South to shut the negro out by some means from an effectual use of his vote, and sometimes this effort took the most flagrant forms of violence.

Presently, however, its more overt and violent features disappeared, and in the spring of 1872 Congress suffered some of the harsher portions of the force legislation of the previous year to lapse. May 22, 1872, it even passed a General Amnesty Act, which relieved of their

**Amnesty** political disabilities most of those persons in  
**Act.** the South who had been excluded from political privileges by previous legislation, excepting only those who had served the Confederacy after having been officers in the judicial, military, or naval service of the United States, or officials in the higher grades of administrative and political function.

The Supreme Court, moreover, began to throw its weight of authority decisively on the side of a conservative construction of the legal changes wrought by war, reconstruction, and constitutional amendment. While it sustained the political authority of Congress, in the matter even of its extreme policy of reconstruction, in *Texas vs. White*,

**Influence of**  
**the Supreme**  
**Court.**

holding that the law-making power could mend as it chose the broken relations of the southern States to the Union, it maintained, even in that case, that the States retained their statehood intact; and when it came, in the so-called "Slaughter-House Cases" (1873), to interpret the Fourteenth and Fifteenth Amendments to the Constitution, it pronounced the powers of the southern States unimpaired, declaring that their control over the privileges of their citizens was in no wise changed by the constitutional provisions which had placed the special privileges of citizens of the United States under the protection of the federal government. In subsequent cases it went even farther in recalling Congress to the field of the Constitution.

### 135. Election Troubles in the South (1872-1876).

Election troubles were of constant recurrence in those southern States in which the negroes were most numerous or most thoroughly organized under their Federal white leaders, and the federal government intervention. was repeatedly called upon to exercise the extraordinary powers which recent legislation had put into its hands. It would be very difficult to say with which party to these contests full legal right rested. On the one hand, the negro managers were in possession of the electoral machinery, were backed by the federal supervisors, marshals, and deputy-marshals whom Congress had authorized to superintend the voting, for the protection of the negroes, and were naturally bold to use such a situation for their own advantage. Their opponents, on the other hand, were able oftentimes, when they could not control the polls, to keep the negroes away from them by persuasion, reward, intimidation, or actual violence. In several of the States "Returning Boards" had been created by law to make final canvass



of the results of all state or federal elections, and even judicial determination of their validity. The control of these boards became, of course, an advantage of the greatest strategic importance to the contending parties. In Louisiana, in the autumn of 1872, rival Returning Boards, both irregularly constituted, but both claiming full official authority, certified, the one a Democratic, the other a Republican, majority in the choice of presidential electors and state officers. Two rival governments were set up. Federal troops intervened in support of the Republican governor; and although a subsequent compromise, effected under Congressional direction, gave a majority of the House of Representatives of the state legislature to the Governor's opponents, he was himself left in office and authority. In 1874 and 1875 similar electoral difficulties led to calls for federal troops from Republican officials about to be ousted in Arkansas and Mississippi; but no troops were sent. The climax of the trouble was to come in connection with the presidential election of 1876.

General Grant was careful to justify his course in directing the interference of federal troops in the contested election troubles in Louisiana by an appeal to the "guarantee clause" of the Constitution, under which the United States guarantees to every State a republican form of government, and protection against domestic violence. But he declared that while he felt bound to intervene, he found it an "exceedingly unpalatable" duty; and when calls for troops came later from other States, he replied, with evident impatience, that the whole public was "tired out with these annual autumnal outbreaks in the South," and that the great majority were "ready now to condemn any interference on the part of the government." He had never shown

"Returning Boards."

Intervention of federal troops.

The President's excuse.

any vindictive feeling towards the South, and there can be no doubt that in directing federal troops to interfere to cut the puzzling knots of southern election snarls, he acted with the same simple sense of duty towards the laws that had characterized his soldier predecessors, Jackson and Taylor.

### 136. Executive Demoralization (1869-1877).

During the first term of his presidency, this soldierly simplicity and directness served the purposes of government sufficiently well, for the tasks of the moment were not those of ordinary civil administration, in which he had had no experience. The President, too, showed a sincere desire to keep the public service pure and efficient. March 3, 1871, Congress, in tardy response to a healthful movement of public opinion out of doors, passed an Act which authorized the President to frame and administer through a commission such rules as he thought best for the regulation of admissions to the civil service; and the measure met with General Grant's prompt and hearty approval. He appointed leading friends of the reform upon the commission, and for three years, after January 1, 1872, notwithstanding the opposition of the politicians, a system of competitive examinations for appointments to office was maintained by the President. In December, 1874, Congress refused any longer to vote money to sustain the work of the commission.

Despite his honorable intentions, however, General Grant did not prove fortunate in his selection of counsellors and subordinates. He found that choosing political advisers on the nomination of politicians was quite different from promoting tested officers in the army; and when his work was over, he confessed, with characteristic simplicity and frankness,

The civil service.  
Official malfeasance.

that he had been deceived and had failed. In 1875 it was found that there was concerted action in the West between distillers and federal officials to defraud the government of large amounts in respect of the internal revenue tax on distilled spirits. The Secretary of War, W. W. Belknap, was impeached for accepting bribes in dispensing the patronage of his department, and resigned his office to escape condemnation. During the whole of General Grant's second term of office a profound demoralization pervaded the administration. Inefficiency and fraud were suspected even where they did not exist.

The soldier President showed no great wisdom, either, in such features of foreign policy as he sought to originate. It was his favorite idea that San Domingo (the "Africanized" republic of the Ostend Manifesto) ought to be annexed to the United States, because it might, in case of war, be used by a hostile power as a military rendezvous at our very doors; and he yielded very reluctantly, though gracefully enough, to the opposition which made the realization of the plan impossible. Several serviceable treaties, however, marked the period of his incumbency. Of these the most worthy of mention was the Treaty of Washington, concluded with Great Britain, May 8, 1871. This treaty provided for a clearer definition of the northwestern boundary, a portion of which had been too vaguely determined by the treaty of 1847; for the settlement of certain questions touching alleged interferences with American fishermen in Canadian waters; and for the arbitration of claims made by the United States against Great Britain on account of the fitting out in British ports of certain confederate vessels of war which had wrought havoc among the northern shipping. These last were called the "'Alabama' Claims," because they chiefly concerned the equipment in England of the con-

federate cruiser "Alabama." An amicable settlement of all the questions covered by the treaty was effected. In September, 1872, arbitrators appointed, under the terms of the treaty, by Brazil, Italy, Switzerland, Great Britain, and the United States, awarded to the United States fifteen million dollars in damages on account of the "'Alabama' Claims."

### 137. Legislative Scandals (1872-1873).

Congress, too, as well as the administration, had suffered a certain serious degree of demoralization, in consequence, no doubt, of the prolonged and unobstructed domination of a triumphant party majority. In 1869 both the Central Pacific and Union Pacific railways had been completed across the continent, by aid of enormous government grants. A corporation, known as "The Crédit Mobilier. Crédit Mobilier," chartered by the legislature of Pennsylvania, had taken charge of the construction of the Union Pacific and of its interests in the money market; and in 1872 grave scandals began to come to light concerning its operations. It was publicly alleged that the Vice-President (Mr. Colfax), the Vice-President elect (Mr. Henry Wilson), the Secretary of the Treasury, the Speaker of the House of Representatives, and a number of senators and representatives had been bribed to further the interests of the company in Congress. Upon the convening of Congress in December, 1872, a committee of investigation was appointed in the House, upon the motion of the Speaker. Its report, made February 18, 1873, showed clear proof of guilt against two members of the House, exonerated others on the ground that they had had no knowledge of the illegitimate purposes of the operations in which they had confessedly taken part, and left resting upon a number of others a painful suspicion of disgraceful motives,

even in the absence of conclusive proof of their guilt. The impression made upon the country was that a corrupt congressional "ring" had been partially unearthed. And this unfavorable impression concerning congressional motives was only heightened by an Act, passed the same session, which the public press very bluntly dubbed "the **Salary Grab.**" salary grab." By this Act the compensation of senators and representatives was increased, and the increase was made to apply retrospectively to the salaries of the members of the existing Congress. The next session saw this scandalous measure repealed.

### 138. Serviceable Legislation (1870-1875).

For the rest, Congress showed itself capable, during these eight years, of some very serviceable legislation, though it was not always steadfast in maintaining the good it did. It authorized a thorough reform of the civil service, as we have seen, in 1871, only to abandon it again for the spoils system in 1874. An Act of July 14, 1870, amended the naturalization laws. **Natural-ization.** It admitted to citizenship, besides "free white persons," "aliens of African nativity and persons of African descent." This was a completion of the policy of the Fourteenth Amendment to the Constitution. It also made stringent provision against the fraudulent naturalization and registration of aliens, appointing federal supervisors to enforce its regulations in that regard in cities of over twenty thousand inhabitants. January 14, 1875, an Act became law which provided for the resumption of specie payments by the government on the 1st of January, 1879. **Specie payments.** Congress had very narrowly escaped being deprived by the Supreme Court of the power of making its irredeemable paper issues legal tender for all debts, as it had done in 1862. A decision of that court, rendered in December, 1869, pro-

nounced such legislation unconstitutional. But the decision was agreed to by only a small majority of the justices; by the following spring the *personnel* of the court had been materially altered by the appointment of two new justices; and in March, 1870, the court, thus re-organized, reversed the decision of December, and affirmed the constitutionality of the legislation of 1862. The resumption of specie payments, however, was none the less imperatively demanded by the business sense of the country.

### 139. Reaction against the Republicans (1870-1876).

General Grant had been elected to his second term of office in 1872 without formidable opposition. But there had been signs even then of reaction against the Republican policy, and before the end of his second term that reaction had gathered very formidable head indeed, having swept away the Republican majority in the House of Representatives and brought on a contested presidential election. There had been an influential element in the Republican party from the first which, although it had supported the party cordially for the sake of the Union, had given its support only provisionally, with a potential, if not an actual, independence of judgment. There was another element, too, of "War Democrats," whose allegiance was still looser, still more openly conditional. These elements, as well as a great many earnest, conservative men who accounted themselves without qualification staunch Republicans, were very soon seriously alienated from the party by its extreme measures of coercion in the South in support of the constitutional amendments, its constant military interference there, in despite of the principle of local self-government, the arrogant temper of mastery with which it insisted upon its aggressive policy, and the apparent

indifference with which it viewed the administrative demoralization which so soon became manifest under General Grant.

So early as 1870 these forces of reaction had produced a "Liberal Republican" party in Missouri, which, by "Liberal combining with the Democrats, presently Republicans" gained complete control of the government of that State. By 1872 this "liberal republican" movement had greatly spread, assuming even national importance. In May, 1872, a general mass meeting of the adherents of the new party gathered in Cincinnati, and, after adopting a thoroughly Democratic platform, was led by a singular combination of influences to nominate for the presidency Mr. Horace Greeley, the able, erratic, stridently Republican editor of the New York "Tribune;" and for the vice-presidency Mr. B. Gratz Brown, the Liberal Republican leader of Missouri. The Democratic nominating convention accepted both the platform and the candidates of this meeting. But no Democrat could vote with real heartiness for the ticket. While the Republicans gained 600,000 votes over 1868, the Democratic vote increased only 130,000; and General Grant, who had been renominated by the unanimous choice of his party, was made President again. The most substantial result of the reaction was a perceptible increase in the opposition vote in Congress.

It was significant of the clearing away of the war influences that parties now began to form which manifested no great interest in reconstruction questions. 1872 saw conventions of a "Labor" party and of a "Prohibitionist" party, which framed platforms and nominated candidates for the presidency and the vice-presidency. In 1873 and 1874 there emerged in the West an association of "Patrons of Husbandry," more generally known as "Grangers," which imperatively

thrust forward the interests of the farmer in the politics of several of the western States, and induced there considerable legislative interference with railway transportation.

Although it miscarried in its attempts against the Republican strength in 1872, the opposition movement steadily gathered head. The corruption of the administration was brought more and more painfully to light; the financial distress of 1873 seemed to many who suffered from it to be connected in some way with the financial policy of the dominant party; influences large and Elections of small set against the Republicans; and in the 1874 and 1875 elections of 1874 and 1875 the Democrats, as it were suddenly and by surprise, carried their state tickets in many northern States, and even elected their candidate for governor in Massachusetts. In the Congressional elections, moreover, they were overwhelmingly successful, supplanting a Republican majority of almost one hundred in the House of Representatives by a Democratic majority almost as large. In the slowly changing Senate, however, the Democratic vote was still less than one-third. Before the presidential election of 1876 this "tidal wave" of success was running much less strongly, but it had by no means subsided.

#### 140. Contested Election of 1876-1877.

The national Democratic convention of 1876 nominated for the presidency Samuel J. Tilden of New York, a man who had proved both his ability and his integrity in the highest administrative offices of his State. The Republican convention named Rutherford B. Hayes of Ohio. Once more Democratic majorities seemed to sweep the country; but the existence of three dual state governments in the South threw the whole result into grave doubt, and produced one of the most extraordi-

Popular  
election.



nary situations in the history of the country. In Louisiana the official Returning Board, through whose hands

Louisiana. the votes of every voting precinct in the State had to pass, was under the absolute control of W. P. Kellogg, the Republican governor who had been recognized by the federal government in 1872 and allowed to use federal troops in 1874. The Returning Board, in 1876, after refusing to comply with the law in several respects, declared the Republican presidential electors chosen, and the governor signed their certificates. Mr. Nichols, however, the Democratic candidate, claimed to have been elected governor, and gave certificates to the Democratic electors. Two sets of votes, therefore, were sent to Congress from Louisiana. There had been similar double returns from Louisiana in 1872, and the

Florida. houses had then refused to count the electoral vote of that State at all. In Florida the Returning Board contained but one Democrat, the Attorney-General, and its majority, exercising judicial prerogatives which the supreme court of the State had forbidden them to assume, declared the Republican electors chosen. The Attorney-General, the Democratic member of the board, gave certificates to the Democratic electors. As in Louisiana, so here, the governor of the State was a Republican, and signed the certificates of the

South Carolina. Republican electors. In South Carolina, too, as in Louisiana, there were two governors and two legislatures, each claiming to have been elected and to constitute the only legitimate government of the State. The Republican government was protected and supported in effecting its organization by federal troops, who had also in many places guarded the polls at the elections, where, the Democrats claimed, they had made a free election impossible. Just as in Louisiana, therefore, each set of electors received their certificates of elec-

tion, the one from the Republican governor, in possession of office, the other from the Democratic governor, demanding possession of office. There was a complication, besides, in Oregon. There the Republican electors had secured a majority; but one of them was thought to be disqualified under the law from serving in the capacity of presidential elector, and the governor gave a certificate to the Democratic elector who had received the highest number of votes. The Secretary of State, however, the official canvassing officer of the State, gave certificates to all three of the Republican electors. If these disputed votes should all be given to the Republican electors, the Republican candidates for the presidency and vice-presidency would be chosen by an electoral majority of one; but if any one of them should be lost to the Republicans, they would lose the election also.

The House of Representatives was Democratic, the Senate Republican; and it was impossible that the two Houses should agree with reference to the nice questions which would arise in counting the votes from the States from which there were known to be double returns. In January, 1877, therefore, an Electoral Commission was created by Congress, to consist of five members chosen by the Senate, five members chosen by the House of Representatives, and five Justices of the Supreme Court, in the hope that the puzzling and intricate questions involved might be decided with judicial impartiality. Unhappily, however, every vote of the Commission was a vote upon partisan lines. It contained eight Republican and seven Democratic members, and in each case all disputed questions were decided in favor of the Republicans by a vote of eight to seven. The process of decision was very slow, and, of course, generated the most profound excitement. Not

until the second day of March, — two days before the date set by the Constitution for the inauguration of the new President, — was the counting finished, and the result officially determined in the joint session of the houses. The feeling was universal that, leaving aside all questions of fraud in the elections, — which affected both parties almost equally, — the whole affair threw profound discredit upon those concerned. A perilous conflict had no doubt been avoided; but it had proved impossible to get a commission from Senate, House, and Judiciary in which either the majority or the minority would vote upon the legal merits of the cases presented. Even members of the Supreme Court had voted as partisans.

#### 141. The Centennial Year.

Soon after his inauguration, President Hayes very wisely ordered the withdrawal of the federal troops from the South; and the Republican governments of South Carolina and Louisiana, — upon whose *de facto* authority his election had turned, — were quietly superseded by the Democratic governments which had all along claimed the right to occupy their places. In Florida, too, decisions of the courts effected the same result. The supremacy of the white people was henceforth assured in the administration of the southern States.

May 10, 1876, had witnessed the opening of an International Industrial Exhibition at Philadelphia, which had been arranged in celebration of the centennial anniversary of the adoption of the Declaration of Independence. It was a fit symbol and assurance of the settled peace and prosperity which were in store for the country in the future. All the great commercial and industrial nations were represented in its exhibits, among the rest, of course, England, whose defeat the Exhibition

was planned to celebrate. Her presence made it also a festival of reconciliation. It spoke of peace and goodwill with all the world. It surely is not fanciful to regard it, besides, as a type and figure of the reconstruction and regeneration of the nation. The Union was now restored, not only to strength, but also to normal conditions of government. National parties once more showed a salutary balance of forces which promised to make sober debate the arbiter of future policies. It showed the economic resources of the South freed, like those of the North, for a rapid and unembarrassed development. The national spirit was aroused, and conscious now at last of its strength. The stage was cleared for the creation of a new nation.

## VI.

## THE NEW UNITED STATES

## CHAPTER XIII.

INDUSTRIAL AND ECONOMIC CHANGE.  
(1877-1897).

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#### 143. The Period 1877 to 1897.

THE two most notable characteristics of the period stretching from 1877 to 1897 are, first, the rise of a new and much more complicated economic organization of society, and, secondly, the unpreparedness of the American people to deal with the problems presented by this development,—a fact due partly to the traditional character of party alignment, partly to the inadequacy of governmental principles and machinery, and partly to the rapidity of social and industrial change, which far outstripped all possibility of a thoroughgoing comprehension of its elements and tendencies. The period opens with a population still largely agricultural; it shows at its close a population tending increasingly toward the city, there to be regimented by huge aggregations of capital to the service of industries organized on a national scale. We set out with the individual cultivator of the land as the characteristic figure

A period  
of great  
economic  
change.

of American economic society; we wind up with the corporation and the labor union occupying the forefront of the American industrial stage. It was noted in the census report of 1890 that the frontier had disappeared from the map of the United States. The fact was significant. Henceforth the trend of American life was to be distinctly away from the simple conditions that characterized newly settled regions.

The transformation thus indicated took its rise from the commercial isolation of the United States during the Civil War, partly deliberate and partly accidental; it was accelerated by the panic of 1873, the plain hint of which to individual investors was to organize in corporations of limited liability; but it was furthered much more conspicuously by the panic of 1893 and its ensuing stress, the one compelling lesson of which was the necessity, in view of new conditions obtaining abroad, of developing an industry capable of absorbing the output of our overgrown agriculture. To have met this problem, and consequently to have won our industrial independence of Europe, is the great achievement of the two decades which we shall review in this chapter. The achievement mentioned, however, bears its stamp as such only in its economic phase. Politically, socially, and even morally, it took place at immense cost. The individual, in merging himself with a corporation or labor union, seemed oftentimes to abdicate his moral responsibility as a citizen. At the same time the old political watchwords staled because of their inappropriateness to the new issues, while the fossilization of ancient affiliations thwarted the adaptation of the political machinery at hand to the new tasks with which society found itself confronted.

End of old  
issues, rise  
of new.

Politically, therefore, the period lying between 1877 and 1897 is one of fluctuation on the part of the voter and

vacillation on the part of the leader. It is a period of equivocal platforms and, with the conspicuous exception of Mr. Cleveland in his two latter campaigns, of merely "available" candidates. In everyone of the presidential elections, five in all, which occur during this period, the party in power meets defeat, while the fluctuations in State and Congressional elections are equally pronounced.

The people found the old-line parties, the opposition of which rested upon the vanishing issues between North and South, hesitant and unsatisfactory exponents of new antagonisms traversing all sections and answering often much more nearly to a cleavage of classes than of geographical regions. The result was that the diverse interests by which the country was coming to be divided became militant on their own account, outside of the conventional agencies of public opinion. Both parties had long since come to be directed by small coteries of professional politicians constituting the "machines." What now happened was the rise of a well-paid lobby, standing over the machines of both parties and ready to use either for the benefit of its own employer, that is, to speak generally, capital.

The natural weapon of organized labor, on the other hand, was the strike, which from 1886 on became an important feature of American industrial life. Other interests and brands of opinion, calculating upon making a widespread popular appeal, organized sometimes non-partisan leagues considerable enough to court the attention of the old-time parties, and sometimes third parties.

The outcome will be displayed in detail in the ensuing pages, but briefly it may be stated as follows: By 1897 the Republican party in its dual rôle of defender of the gold standard and champion of the protective tariff, had become the recognized sponsor of the new order of things,



in which aggregated capital appeared the dominant and directing force. In this order of things any proposed action on the part of the state was subjected invariably to the test of its probable effect upon "business," there was a general demand for the "business man" in politics, and all wisdom was thought to have found its summary in the gambling phrase "stand-pat," the idea being that government, having done its utmost to smooth the path of business, should now keep its hands off. Of this philosophy, the United States Senate was best adapted, both by its temper and its methods, to become the effective exponent, but the courts, too, individualistic as of yore and possessed of the power of reviewing legislation, were able to lend a hand now and then to the same end. Meanwhile the Democratic party, given over to financial heresies and to schism, had ceased even to offer effective opposition to, or heeded criticism of, prevailing tendencies.

Business supplies the dominant interest of the period.

#### 144. Reconstruction Undone: The New South.

The "Undoing of Reconstruction" is the phrase that has been fittingly applied to the course that political action has taken in the South since 1877. Following his withdrawal of the federal troops from Florida, South Carolina, and Louisiana in that year, President Hayes was forced to engage in a contest with the Democratic House of Representatives over a "rider" to the Army Appropriation Bill, intended to abolish the federal election machinery in the southern States. He achieved a technical victory in the matter of the rider, but at the same time had to sign the appropriation with a proviso attached, prohibiting the use of troops by United States marshals. Henceforth the essential equality of the two parties in the na-

The Undoing of Reconstruction.

tional government forbade the idea of its meddling with elections. In the years between 1877 and 1890, consequently, the whites of the South, by dint of cajolery and ingenious management, were able substantially to eliminate the negro vote. Thus, in the election of 1888, the average vote cast for a member of Congress in five southern States was less than one quarter of the votes so cast in five northern States. It was in contemplation of this situation that in 1890 the Republican party, angered by the allegiance between the solid South and the Democratic party, brought forward the so-called Lodge "Force Bill," looking to the restoration of federal supervision at presidential and Congressional elections. The measure was defeated, partly through the intervention of northern capital, now on its way to investment in large sums in the South, and partly through an alliance, now for the first time struck but destined later to have grave consequences, between the southern senators and the Republican senators from the silver States of the West.

Meantime the Supreme Court had continued, in questions touching southern interests, to take the narrow view of federal power under the new amendments to the Constitution, which it had formulated initially in the Slaughter-House decision. In 1875 Congress had passed the Civil Rights Act, meant to secure for negroes equal rights of accommodation with white persons in theatres, hotels, and public conveyances. In declaring this Act unconstitutional in 1883, the Court limited the power of Congress to that of disallowance of discriminatory action by the State's own agents,—in other words, made Congressional action practically gratuitous, since the Court already claimed for itself this same power. Somewhat earlier, moreover, the Court, in deciding that a State may exact a reasonable prerequisite, such as the payment of a poll tax, to the right of voting, had imparted a valuable

hint to the South. Warned by the menace of the Lodge Force Bill, the southern States began at once, under the leadership of Mississippi, to amend their constitutions with a view to imparting the safeguard of legality to the disfranchisement of the negro. The principal device has been the erection of a literary qualification for the exercise of the suffrage, from the requirements of which the great majority of the white voters are exempted either by administration or by quite specific description in the law itself. Somewhat recently the idea has been broached of enforcing the forfeiture of representation prescribed by the second section of the Fourteenth Amendment. The southern States would of course be the principal sufferers from such action. The proposition has, however, been but coldly received, even at the North, while in the South, on the other hand, a suggestion has been put forth, with some appearance at least of confidence, for the repeal of the Fifteenth Amendment.

It is evident, therefore, that a consensus of opinion has been steadily developing through the North and South upon the issues that formerly divided them. Partly this was due to the deliberate efforts of men able to grasp Lincoln's idea of a spiritual as well as a physical restoration of the Union. Partly, however, it has been due to more material facts. For throughout the period we are reviewing the failure of political reconstruction has been matched by a brilliant economic and industrial reconstruction of that region. The "Solid South" has been giving place to the "New South"; the South of timber production, of coal and iron mining, of iron manufactures, of cotton manufactures, of child labor, of foreign immigration, — in brief, of capitalistic industry. To no small degree the downfall of the Democratic party has been due to this transformation of the

The new southern constitutions.

The New South.

South. For while that region has continued to acknowledge a formal allegiance to the Democratic party on election days, in the intervals between its support has been by no means invariably forthcoming to the principles laid down in the party platforms. In truth, the day would seem to be rapidly approaching when the white electorate of the South will deem it safe to divide upon the same issues as the rest of the country.

#### 145. New States: Polygamy: Indian Lands.

The sectionalism of the North and South tended therefore to disappear, but in its stead that of East and West appeared to revive, to display in this period some rather acute phases. That this should have been so was due to the extreme, not to say heedless, liberality with which statehood was extended, about the year 1890, to western territories of relatively meagre population. For statehood meant equal representation in the Senate, so that eventually sixteen States, containing perhaps a twelfth of the population of the Union, elected one third of the Senate. By the "Omnibus Bill" of February 22, 1889, the two Dakotas, Washington, and Montana became States; the next year Idaho and Wyoming were admitted without at all deserving it; and, in 1896, Utah.

The admission of Utah marked the solution of one of the most unique problems that ever troubled the American Congress, that of polygamy in certain of the Territories. The Republican platform of 1860 called for the abolition from the Territories of those "twin relics of barbarism," slavery and polygamy. The Act of July 1, 1862, therefore, provided severe penalties for "bigamy" in regions subject to federal jurisdiction, but was so laxly drawn and provided such

inefficient means for its enforcement that only three convictions were secured under it in the space of twenty years. The more drastic Edmonds Act of 1882 proved much more effective; and during the ensuing five years some five hundred exponents of the "Latter Day" idea of the family were deprived of the right to vote and the right to hold office, besides incurring other penalties. Encouraged by these results and a decision of the Supreme Court, Congress in 1882 authorized the President to seize and administer the property of the Mormon church. The adherents of Mormonism, at last awake to the futility of further defiance, now proceeded to draft a constitution looking to statehood, in which polygamy was penalized by a provision unchangeable save by the consent of Congress. The obvious invalidity of such an arrangement did not go far to persuade outsiders of the good faith of those who contrived it, but a declaration by a general conference of the Mormon church three years later produced a better effect. Early in 1893 President Harrison amnestied substantially all persons liable at that date to the penalties of the Act of 1882, while some months later Congress restored to the Mormon church certain properties that had been taken from it under the Act of 1887. The constitution under which Utah was admitted in 1896 contains a solemn pledge that polygamy will never be allowed in that State. Nevertheless, a Utah representative in Congress was shown, a few years since, to be living in polygamy and was excluded from his seat in consequence.

The erection of the other new commonwealths named above had also its special interest, for it called attention to the fact that the public domain, the existence of which had thus far constituted a determinative element of our national life of the first rank, both politically and economically, was fast melting away, — at

End of  
free lands.

any rate, the readily cultivable portion of it. Between 1890 and 1900 private entries for public land numbered just one half what they had been the previous decade, — a circumstance which was due to no lack of effective demand for such lands, as was proved by the dramatic events attending the opening up of Oklahoma to settlement, when fifty thousand persons took out claims in a single day. The continued pressure for new lands produced also several other noteworthy results in close sequence. One of these was the forfeiture by the Pacific railway companies, enforced by President Cleveland, of some eighty millions of acres, which the government had donated them upon conditions with which they had failed to comply. Another was the beginning of irrigation on a large scale in the West, an idea utilized at that time only by private companies, but destined to be taken up later by the government as well. Due also to this pressure was the fact that our Indian policy now entered upon its last phase.

Never were Indian wars more numerous than between 1870 and 1880 and in the two or three years lying at either side of that decade, during which period engagements between the national troops and Indian warriors are to be reckoned actually by the hundreds, the cause being the increased desirability of Indian lands. Meantime, in 1871, the government had begun gradually to abandon its venerable policy of dealing with the Indians in a semi-diplomatic way through their pauperized tribes, but not till 1887, with the enactment of the Dawes Bill, was the new policy really set a-going. This measure, by encouraging the Indians to abandon their tribes and take allotments of land in severalty, achieved two ends. It put the Indian on the way to becoming a citizen, and it made new land available for white settlers. The rapid progress of the new policy is

sufficiently indicated by the history of Oklahoma, which was constituted a Territory in 1889, was admitted as a State, after considerable delay due to partisan opposition, in 1902, and received a great accession of territory and citizenship, largely Indian, when Indian Territory was merged with it in 1907.

The case of  
Oklahoma.

#### 146. Immigration: The Chinese Question.

Questions of land raise inevitably questions of population and employment. The years from 1877 to 1897 witnessed a great increase in agricultural production, the centre of which, with the extension of the Pacific railroads, moved rapidly westward. But by far the most important and significant development of the period was the tremendous growth of manufactures. Between 1860 and 1890, while population was doubling, the capital invested in manufactures increased six-fold, and in the ensuing decade again probably trebled. The most reliable index of this development is to be found in the statistics of our foreign exportations, the contribution to which from manufacturing increased between 1880 and 1890 nearly three-fold, while that of agriculture fell off more than a quarter. Such radical economic change had of course a perceptible effect upon population itself, — transferring it to new centres, altering even its sources. Rural centres declined throughout New England, in the Old Northwest, and even in Iowa, while the proportion of urban population to the total population of the entire country steadily rose from less than a fourth in 1880 to more than a third in 1900.

Here, of course, is a phenomenon of the sort the social philosopher delights to ponder upon. A still more serious phenomenon attended it, namely, a great change in the character of immigration which our newly industrialized country began now to attract from abroad. Down to

Rise of man-  
ufacturing.

1880 the vast proportion of immigrants to this country were from the easily assimilable stock of western Europe, who, upon their arrival here, largely sought the <sup>A new kind</sup> of immigrants land. A quarter of a century later the absorptive function of land has been taken over by mechanical invention and capitalistic industry, and necessarily the population that responds to the new lure is of a different order. There is no longer any land to seek, and even if there were, the poverty-stricken Italians, Hebrews, and Slavs, who in 1905 made up three fifths of the immigrant arrivals to these shores, are neither disposed nor able to make their way to it.

The general questions raised by the new type of immigration on a large scale were first raised, and in an exceptionally acute form, by Chinese immigration. Chinese began coming to this country in considerable numbers about the close of the Civil War and were of the greatest possible service in completing the great transcontinental railways. The Treaty of Washington with China in 1868 was therefore giving voice to no mere banality in recognizing the mutual advantage of this migration. But it was also this very fact of the completion of the Pacific roads that brought about a great reversal of feeling with regard to the Chinese, who now began to make their way eastward, where their abhorrent social arrangements and filthy habits of living made them local nuisances. The event, however, that sealed the fate of Chinese immigration was the extensive use made of Chinese laborers by the railroads to break the strike of 1877. The agitation for Chinese exclusion began in San Francisco under the leadership of Dennis Kearney, the "sand lots" orator, who in the manner of Cato wound up every harangue with the unvarying refrain, "The Chinese must go." In 1879 Congress passed a resolution ordering the President to declare the Treaty

Rise of the  
anti-Chinese  
agitation.



of 1868 null and void, but Hayes vetoed it on the ground that it entrenched upon his presidential discretion, and also because he was loath to abrogate a convention which had been entered into with a friendly power in perfect good faith on both sides. The way out of the difficulty was furnished by the Angell Treaty of 1880, according to the United States permission to "regulate, limit, or suspend" the immigration of Chinese laborers. The bill passed by Congress early in 1882 "suspended" such immigration for twenty years, but a presidential veto brought about a reduction of this term to ten years in the measure that was finally enacted.

The same year, its attention being now upon the immigrant problem, Congress decreed the exclusion of paupers, criminals, convicts, and insane persons, and imposed a poll tax of fifty cents per immigrant. Other acts followed. By the Act of 1885 laborers brought hither under contract were barred out. By the Act of 1890 polygamists, diseased persons, and persons incapable of self-support, were excluded. By the Geary Act of 1892 and an Act of 1902 Chinese exclusion was renewed and made more stringent under sanction of the treaty foisted upon China in 1890. By the Act of 1903 the capitation tax upon immigrants was raised to two dollars.

Congress  
and immi-  
gration.

#### 147. Labor: Strikes: The Pullman Strike.

The coming of vast hordes of unskilled laborers to our shores proved an early and compelling cause of labor organization, though more potent doubtless was the rise of aggregated capital. Modern industrial society is a complex of groups, each with its function to perform, each with its interest to pursue, so that, however mutually indispensable their functions make them, their interests make them also, to some degree, mutually antagonistic.

A very simple as well as very ancient antagonism is that of employer and employee; much more intricate, and quick with the modern talent for organization, and illustrating its facility of communication, is that of capital and labor. The same year, 1873, that marks the beginning of capitalistic aggregation on a large scale marks also the commencement of the national organization of labor. For that year the Knights of Labor was founded as an association open to all trades and to further the interests of labor as such. The great railway strike of 1877 was not the work of the Knights, but it greatly assisted the extension of that organization by the illustration it furnished of labor's common cause.

The programme of the Knights called for governmental recognition of labor as a distinct interest in the community by the establishment of labor bureaus; for weekly wage payments; for the abolition of the contract labor system; for higher wages, and an eight-hour working day. Strikes in the coal and iron mining States of the East, in 1882, centring upon one or more of these demands, resulted in legislation, conspicuously in West Virginia and Pennsylvania, regulating the labor contracts of underground workers. Such legislation was, however, hardly enrolled upon the statute book before it was declared un-

Labor and  
the Four-  
teenth  
Amend-  
ment.

constitutional by the State judiciaries on the ground that it was an unreasonable interference with the "freedom of contract" of persons *sui juris*, and comprised therefore a deprivation of property without the "due process of law" required by the Fourteenth Amendment.

It was thus made evident to labor that, in the enjoyment of the freedom of contract saved to it by the solicitude of the courts, it could not rely greatly upon State assistance in getting better terms. The strike record of

1886 absolutely eclipsed that of any two or three preceding years. At the opening of the year six thousand miles of the Gould railway system were tied up for seven weeks; next ensued a strike of freight handlers in Chicago, in the course of which an anarchistic riot occurred at the Haymarket; and finally, in November, a strike broke out in the Chicago stockyards which involved twelve thousand men. It was in the midst of these disturbances that what is said to have been the first presidential message on the subject of labor was sent to Congress by President Cleveland, who called for a labor commission with power to settle all controversies between capital and labor. The proposition was too radical for Congress, which did not act till two years later, and then only to provide machinery for the voluntary arbitration of disputes between interstate railways and their employees.

Meanwhile the Knights of Labor, always too centralized an organization to meet the varied interests of different trades or even of the same trade in different parts of the country, and since 1886 considerably discredited by the taint of anarchism, had given way largely to the National Federation of Labor, which, as its name shows, is more loosely organized. The years following 1886 witnessed a number of "sympathetic strikes" and boycotts, and in 1892 occurred the great Homestead strike, in which political authority was for a time put to scorn, while private war was waged between the strikers, on the one side, and the private forces of the employers, on the other, after the true mediæval manner. At this moment the country was trembling on the verge of the great commercial panic which soon ensued, bringing in its wake universal distress and unemployment. Coxey's army of one hundred unemployed men and half as many reporters marched upon

Great  
strikes.

The Na-  
tional Fed-  
eration of  
Labor,  
1886.

Washington to demand employment of the government, and would doubtless have done so had not its commander been forced to languish some weeks in jail for walking on the Capitol lawn. Coxe's arrest occurred on May Day, 1894; ten days later what, because of the part played in it by the federal executive and federal courts, must be deemed the most momentous strike in our history, began in Chicago, when the employees of the Pullman Car Company refused to accept a reduction of wages.

Ever since the passage of the Sherman Anti-Trust Act in 1890, the federal judiciary had been elaborating a theory of conspiracy destined to bring the "sympathetic strike" and what is termed the "secondary boycott" under legal condemnation. By this theory the boycott and the strike are legitimately available only to employees directly affected by the adverse action of the employer boycotted or struck against. When, accordingly, the

American Railway Union voted to aid the Pullman employees by refusing to handle Pullman cars and proceeded to strike against those of their own employers who resisted the boycott, the United States District Court of Illinois issued a sweeping injunction ordering all officials and members of the American Railway Union to desist from every species of interference with the business of twenty-three designated railway companies, and when Eugene V. Debs, president of the Union, ignored the injunction, ordered his arrest and imprisonment for contempt of court. Since this line of action was based upon, and was eventually justified by the United States Supreme Court by reference to, the Anti-Trust Act, it will be seen that the courts in question were utilizing the processes of equity to anticipate the violation of a criminal statute, at that time an unparalleled proceeding.

The federal courts in the Pullman strike, 1890.

Equally drastic was the action of the federal executive.

Chicago, as the recent scene of the World's Columbian Exposition, still harbored hundreds and even thousands of toughs and hoodlums, who welcomed with enthusiasm the opportunity for incendiarism, vandalism, and crime that the strike afforded. By Article IV of the Constitution federal assistance is immediately available to local authorities to crush domestic violence. At this perilous juncture, however, Illinois had a governor who was unwilling either to take effective measures himself or to put it in the way of others to do so. Fortunately President Cleveland was not disposed to stand upon ceremony, but, advised that the mails were being obstructed and interstate commerce interfered with in an illegal manner, ordered regular troops to Chicago without further waiting upon Governor Altgeld's painful deliberations.

Thus federal authority outshone State authority in effectiveness on all hands. A distinction, nevertheless, has to be made between the action of the President and that of the courts. Executive authority has for one of its primary ends the meeting of novel situations, and is accordingly relieved more or less of the necessity of considering the trend of its isolated actions. Judicial authority, on the contrary, is expected to rest each action upon precedent, and to view it in the guise of precedent once it is performed. It is hardly matter for surprise, therefore, that the precedent created in the case of Debs led the way to an exercise of the injunction power by the courts that has subsequently come to constitute one of the principal grievances of organized labor.

Interven-  
tion of the  
President.

Labor and  
the injunc-  
tion.

#### 148. **The Trust Problem: Railway Regulation.**

In connection with the consolidation of capital, the distinction at once obtrudes itself upon our attention

between, on the one hand, deliberate organization, and, on the other, transference through the automatic processes of economic distribution of a great and increasing share of the productive capital of the country to the ownership of a relatively small group. Both these processes are, however, so closely involved and have rendered such constant interchange of service to each other that it is impracticable to heed this distinction further than to

**The causes and methods of capitalistic concentration.** point out its existence. Likewise we have no space to consider minutely the methods by which business concerns have been united, which has been sometimes by purchase, sometimes by lease, sometimes by an understanding or informal agreement between their respective owners, sometimes by mergence into a corporation, and sometimes, where the concerns united were themselves corporations by the device of a holding corporation, controlling the majority of the stock of the constituent companies. But again mere mention must suffice. What we are interested in is the fact of this progressive consolidation of the management and direction of the business of the country, and the attitude that government has assumed toward this fact.

The questions raised by business consolidation first confronted government in connection with the railroads. Between 1870 and 1900 the railroad mileage of the country increased nearly four-fold. Much of this extension, however, was, at the time it took place, entirely uncalled for, with the result that a most ferocious and destructive competition at once ensued between rival lines for a sustaining business. The railroad business is, moreover, particularly exposed to the ravages of competition from the fact that it is subject to what economists call the "law of increasing returns"; that is to say, a railroad has certain fixed charges to meet, which

**Evils of railroading.**

do not increase at all proportionately with an increase of business. The panic of 1873 was distinctly a railroad panic: two fifths of the railroad mileage of the country passed into the hands of receivers, while between 1876 and 1879 four hundred and fifty roads were sold under foreclosure. Railroad consolidation now began on a large scale, several of the great eastern companies securing Chicago terminals at this time. The outcome, nevertheless, was not the end of competition, but competition of vaster proportions than ever before, bringing with it distress not merely to the combatants but to the general public as well.

The situation was particularly bad in the Northwest, which, as it had been made, so to speak, by the railroads, now found itself quite at the mercy of its creators, who, in their desperate efforts to get business from one another, made and unmade persons, companies, and localities, not in malice, but simply in the "course of trade."

The so-called "Granger legislation" of the northwest States was designed to remedy these conditions by prescribing rates for the transportation and warehousing of certain classified products, principally grains, and by forbidding certain types of discrimination against shippers and localities. At first the courts were inclined to favor this species of enactment, and the Supreme Court of the United States based its crucial decision in *Munn vs. Illinois* upon reasoning which left the State legislatures in a thoroughly autocratic position with reference to railroad property. Thus encouraged, the legislatures renewed the attack with vim, but with the effect finally of inducing the courts to reconsider their position. In the Wabash Decision in 1886 the Supreme Court, reversing precedents of many years' standing, held that interstate commerce was not subject to State regulation, even though there were no Congress-

The Granger laws and the courts.

sional enactment covering the matter sought to be regulated, a decision which at one blow invalidated practically all of the Granger statutes.

The old evil features of railroad management unfortunately still persisted, while new ones had been added by the ingenuity of railroad managers in evading the law. One of these was the "pool," by which formerly competing roads divided a certain branch of traffic between them and apportioned the proceeds on the basis of an agreed percentage. Another was "rebating," by virtue of which large and powerful shippers received back a considerable fraction of what they had paid for transportation, while smaller shippers, whose favors were comparatively negligible, were mulcted to the full extent allowed by the law. Finally, there was the "long and short haul" device, by which charges to near-by way stations were kept higher than charges to the great terminals, and smaller towns were put at a disadvantage similar to that suffered by the smaller shippers. Accordingly a great popular clamor arose for Congressional action, the outcome of which was the Interstate Commerce Act of 1887.

By this act railroads engaged in interstate commerce were forbidden to enter into pools, to discriminate between shippers, to make secret tariffs, or to charge proportionately more for a short than for a long haul. At the same time a commission of five was created with power of investigation and prosecution and with authority, in furtherance of its work of investigation, to provide a uniform system of railroad accounting. Despite the aspect of promise which the Act originally wore, it soon became evident that it could not withstand the flagrant efforts of the railroads to evade its provisions, particularly in view of the attitude that the courts revealed. The fatal weakness of the Act

The Interstate  
Commerce  
Commission  
created.



resided in the fact that the Commission was able to enforce its orders only by equity proceedings in the federal courts, which provision the Supreme Court interpreted to mean that there should be a retrial in court of each cause on its merits. Harassed by its administrative work and hampered at every turn by the construction of its failure. given by the Court to the law of its origination, the Commission was constrained, at the close of the period, under review, to write itself down a failure.

Meantime all the evils of railroading continued on a large scale, with resultant insecurity to railroad profits. The upshot of the matter was that the railroad business became more and more largely speculative and that railroad managers became stock manipulators, who<sup>l</sup> relied rather upon the investor for profits than upon the shipper. Manipulation had, however, besides its pecuniary profits, a larger object, namely, consolidation, toward which, moreover, the panic of 1893 afforded a special impetus. In 1880 some fifteen hundred railroad companies were in existence; by the close of 1895 Railroad concentration. forty companies controlled rather more than half of the mileage of the country. Consolidation was doubtless the necessary preliminary to a final adjustment of the railroad business to the best interests of the country, and even at the outset it revealed one benefit. This was the bringing of the roads of the country to a uniform gauge, which had been generally done by 1900.

Meantime, with the developing concentration of the oil business, the coal business, the woollen manufactures, the iron and steel business, the business of manufacturing agricultural implements, and the leather business, revealed by the census of 1890, the "Trust Problem," in its more general phase, had been brought to the attention of Congress. In some cases the advancing concentration was due to railroad discrimination and rebates, and in other

cases it was due to the tariff. Congress, however, decided not to parley with causes, but to grapple with the thing itself. By the Sherman Act of July 2, 1890, combinations and conspiracies in restraint of trade among the several States and with foreign countries were made illegal, and punishable with fine and imprisonment. The undoubted intention of this measure was to reach combinations in industrials, but whatever prospect there may have been of success for such a program was speedily removed by the decision of the Supreme Court in the Sugar Trust Case, in which a line was drawn between transportation and production, and the latter was held to be entirely infra-State and hence subject only to State action. The formation in 1901 of the United States Steel Corporation, the greatest industrial combination that the world has ever seen, took place therefore without a voice being raised to question its legality.

The Anti-Trust Act of 1890; its failure.

#### 149. The Tariff Question.

Two questions, and only two, became party issues in the period between 1877 and 1897, namely, the tariff question and the currency question. The creation of a party issue out of the tariff question was assisted by the fact that the two parties traditionally took more or less opposed views with regard to it, while the currency question grew into an issue on account of the sectional character of the interest in "free silver."

The high protective tariff dates from the Civil War, during which it was created to compensate American producers for the heavy excises which they were called upon to pay and which, without the tariff, would have put them at a fatal disadvantage in competing with foreign producers. This, however, is only one half the story.

The other half is this: the war being at an end, the excise taxes were removed, but the tariff, on the contrary, still remained at substantially its war level. There were indeed some reductions in 1872, but these were largely restored in 1875, while in 1867 there had been a positive increase in the woollen schedule. And so we come down to the year 1882, when, with half the debt paid off and the rest funded in long-term bonds, not to fall due for years, a rapidly mounting surplus, which drew huge sums annually from their normal employment in trade, thrust the necessity of reducing the government's income into public notice.

It is true that another method of meeting the difficulty was available, namely, a policy of liberal expenditures; and for some years back Congress had been resorting to this method increasingly. Thus between 1867 and 1882 nearly forty acts had been passed increasing expenditures in pensions, and, through the operation of the Act of 1879, granting arrearages of pensions from the date of disability for which, in any particular case, the pension was allowed, such expenditures were doubled in two years. During the same interval, also, the Rivers and Harbors Bill had begun to take on its fearful and wonderful proportions, that of 1882, which was passed over President Arthur's veto, carrying an appropriation of nineteen millions of dollars, or five times that called for by the bill of 1870. With the same purpose in view, of reducing the surplus while keeping up the tariff, the government began in the early eighties to construct a new navy and to erect coast fortifications.

All of this lavishness, however, passing often into sheer waste, proved unavailing, and accordingly, with the surplus for the year nearly one hundred and fifty millions, Congress in 1882 decided to disarm the inevitable by

making a show of surrender. This it did by providing for a Tariff Commission, which, after travelling up and down the country, taking testimony the while on the state of industry, reported a project for a moderate reduction of the tariff, amounting in the aggregate to about twenty per cent. The outcome was sufficiently curious, but at the same time not unmatched by similar occurrences in connection with both earlier and later tariff legislation. The bill that the Senate passed was in fair accord with the recommendations of the commission, but the range of duties provided for by the House bill was considerably higher. Never were the representatives of local interests more clamorous within the walls of Congress. When, accordingly, the final measure came from the conference committee, it was found that the Houses had, in some cases, adjusted their differences by adding together the rates for which they respectively stood and then had neglected to divide the result.

The Act of 1883 was passed by a Republican Congress, but a large element of the Democratic party under the leadership of Randall of Pennsylvania was also protectionist in sentiment. Thus, when a bill was presented in the Democratic House in 1884 for a horizontal reduction of the tariff, Democrats were quite ready to join their adversaries in throttling it, while the Democratic platform of the same year was almost as protectionist in tone as the Republican. Two years later, even, the Morrison Tariff Bill was refused even the scant courtesy of consideration by a House majority composed of the Republican minority and thirty-five Democrats.

The tariff issue was, at last, made an issue by President Cleveland's annual message of 1887, which argued the subject of the tariff from the reform standpoint to almost the entire exclusion of every other topic. Never

Democratic  
protection-  
ists.

was the authoritative and advantageous character of the platform from which a President of the United States speaks through his message better illustrated than by the consequences which ensued upon this remarkable state paper, the ultimate result of which was to furnish American parties with an issue for two presidential campaigns, and the immediate result of which, as was shown by the passage of the Mills Bill by the House, was to make the Democratic party, to all external appearance at least, united and militant for tariff reduction. Nor was the

The tariff question made a party issue, 1887.

Republican party slow to accept the challenge. The elimination of the surplus still furnished the most obvious purpose of revenue reform, but, as the Republican leaders pointed out, reform with this object need not necessarily take the shape of tariff reduction. Accordingly, as against President Cleveland's "free trade" project, as they insisted upon representing it, the Republicans proposed to cut down importations from abroad by raising the schedules and so make the surplus an opportunity for enhancing protection. The Democratic party had thus assigned to it the difficult task of justifying an attack upon an arrangement under which the country was prosperous. It failed, and the result was the McKinley Tariff of 1890, the features of which were a tariff on agricultural products, designed to meet the western criticism that protection benefited only the eastern manufactures; a very high tariff upon certain manufactures, such as woollens and tin plate; a bounty on raw sugar, which was admitted free; and provision for reciprocity treaties.

The McKinley Act, 1890.

It was soon evident that the reduction of revenues anticipated from the new tariff was to be realized; but Congress also decided to make a direct front attack upon the surplus. "God help the surplus," exclaimed Corporal Tanner, with unctiousness, keenly relishing the issue

that he foresaw. The Dependent Pension Act, which, as administratively applied, made all who had served ninety days in the Civil War eligible for a pension upon reaching a certain age, and for a higher pension a few years later, resulted in doubling the number of pensioners in four years; and like lavishness in other directions made the Congress that enacted the McKinley Tariff famous as the "billion dollar Congress."

But the McKinley Tariff had also another effect not so harmonious with the calculations of those who stood sponsors for it, namely, a general rise in prices. Where before it had been on the aggressive the Republican party now found itself on the defensive, with the result that the Democratic party, now the champion not so much of business and the taxpayer as of the consumer, triumphed overwhelmingly in the Congressional elections of 1890, and in 1892 came into complete control of the government for the first time since 1860. Its apparent good fortune turned out, though, to be totally illusory; for Cleveland was not yet inaugurated when, with the bankruptcy of the Philadelphia and Reading Railway, the financial panic, for which the currency legislation of the last fifteen years had been paving the way, was upon the country. The Wilson Bill, embodying the ideas upon tariff reform which had been held before the country by the official representatives of the Democratic party during the recent campaign, was therefore introduced into the House of Representatives (December 19, 1893) at a most unpropitious hour, but one, as it transpired, no more than ominous of the fate that awaited it.

The Democratic effort to frame a tariff, 1893.

It provided free entry for raw materials, such as lumber, iron, wool, and sugar; reduced duties upon manufactured goods, such as silks, cottons, and woollens; substituted ad valorem duties for

specific duties wherever possible; and imposed a two per cent tax upon incomes in excess of four thousand dollars. With these features intact, the bill passed the House, but in the Senate, which proved as ever to be the palladium of "local interests," and indeed of interests even more special, coal, iron ore, and sugar were taken from the free list, while some of the senators, in anticipation of the natural effect of their action, speculated in sugar stocks. Feeling that the bill in its mutilated form meant "party perfidy," President Cleveland allowed it to become a law without his signature, which it did, August, 1894. A few months later, the United States Supreme Court, on a rehearing, one of the justices having in the interval changed his mind, declared, by the bare majority of that justice's vote, a great part of the income tax law to be unconstitutional, though the same Court had upheld a similar law a few years previously.

Thus, on every hand, the Democratic party met with humiliation in its effort to deal with the tariff question which it had itself raised to the dignity of a party issue. Meantime, moreover, a much more importunate question had arisen, which was to spell division and defeat for the Democratic party for years.

#### 150. The Currency Question: Free Silver vs. The Gold Standard.

As was related above, the United States government in the course of the Civil War issued some four hundred and fifty millions of legal tender notes, which, driving all specie to cover, became the currency of the country. The result was a rapid rise in prices and also — which was particularly important in view of the predominantly agricultural character of industry — in land values. But, the war being over, these values began to recede, with the

effect of bringing all standing farm mortgages up to a constantly higher fraction of the values on which they were originally hypothecated. Then also with the gradual approach, greatly accelerated by the Resumption Act of 1875, of gold and "greenbacks" to a parity, it became evident that if the government adhered to its intention to pay its bonds "in coin" and to issue no more legal tender notes, it would eventually pay off the war debt in dollars of considerably greater purchasing power than those which it had originally borrowed. It was with these facts in mind that the Greenback party arose out of the Grangers in 1876 to demand the repeal of the Resumption Act, the abolition of bank notes, and the issue of more legal tender notes by the government.

Nor were the Greenbackers the only currency reformers. In 1873 the government had discontinued the coinage of silver dollars of full legal tender, and the silver-mining interests were demanding that such coinage be resumed at the old ratio of sixteen to one, at which ratio silver still stood to gold till 1884. The Granger interest and the Silver interest now struck an alliance. In 1878 the Bland-Allison Act, transformed in the Senate from a free coinage bill, was passed over the President's veto, making the coinage of from two to four millions of dollars of silver per month obligatory upon the government; also an act, prohibiting the further cancellation of greenbacks, of which three hundred and forty-six millions of dollars were still outstanding; and finally a resolution declaring all bonds to be payable in silver. Thus matters stood in the realm of currency legislation until 1890.

The opponents of the Bland-Allison Act had predicted that all sorts of disaster would flow from it, but the advancing prosperity of the country had proved to be of

Rise of the  
currency  
question.

Rise of the  
silver  
question.



hardier stock than these prophets had anticipated. On the other hand, the Act in question had not met the expectations of the farmers of the Middle West, who from the later "eighties" on began for the first time to feel the competition of the Dakota wheat-fields as well as of agricultural expansion abroad. Doubtless, too, there

**Agricultural distress.** was a modicum of truth in the contention now begun to be made by the advocates of "more and cheaper money," that with the contraction of the national bank-note circulation, due to the decline in the interest rates of United States bonds, and with the shrinkage from year to year in gold production, there was a real advance in the purchasing power of the dollar which meant more or less hardship to debtors.

The Greenback party, after casting a vote of three hundred thousand in the election of 1880, had disappeared before the advance of prosperity in 1884. The new agricultural discontent had therefore to organize anew, which it did in 1890 in the Farmers' Alliance, later known as

**The Populists.** the Populist Party. Meantime, with the admission of several western States, the political strength of silver, whose champions were to be found within the ranks of both parties, had increased enormously. Again the farmers and the silver-mine owners allied themselves, and again the silver-mine owners were seen to dominate the alliance. In June, 1890, a bill for the free coinage of silver passed the Senate, which, from now on, despite its supposed conservative rôle, remained for some years the radical body on this subject. The measure was

**The Sherman Purchase Act, 1890.** eventually killed in the House, but President Harrison's wavering attitude resulted in silver's obtaining a great concession in the Sherman Purchase Act, which made it binding upon the government to purchase four and one-half million ounces of silver per month at market value, and to

issue treasury notes in exchange for the same. Forthwith the decline in silver went forward at a more rapid rate than ever, — a phenomenon to be attributed in part to the hostility of foreign governments, which were now increasingly going over to the gold standard. But the decline in agricultural prices also continued, with the consequence that in the election of 1890 the Populists returned over forty members to Congress from eleven States, and in the election of 1892 secured a million votes and eleven presidential electors. The important phase, politically, of the growth of this new party was its rapid advance in the South, where the cause of white supremacy, still precarious in view of the constitutions then in

force in that region and particularly of the recent attempt of the Republicans to enact the Lodge Force Bill, compelled a speedy accommodation with it on the part of the Democratic leaders. The Lodge Force Bill, as was mentioned above, was defeated by a coalition of Silver Republicans and Democratic senators, and from that date the triumph of Free Silver in the counsels of the Democratic party became constantly more likely. In the campaign of 1892 the platforms of both parties were equally ambiguous upon the currency question, while the Democratic platform with like ambiguity denounced the Sherman Act as a "cowardly makeshift," a sentiment to which the advocates of either metal could subscribe with equal fervor. Mr. Cleveland, on the other hand, was characteristically outspoken against the Free Silver idea, while Mr. Harrison was equivocal and evasive. Events were soon to force the issue in both parties.

Beginning with 1890, disturbances in the English financial market had called for heavy gold exportations from the United States, which were continued through ensuing months to meet extraordinary demands by several of the

Equivocal  
attitude  
of the parties  
on the silver  
question,  
1892.

great chancelleries on the Continent. The consequence for the United States was a rapid decline in the Gold Reserve concomitant with an equally rapid increase in the nation's stock of credit money, due to the operation of the Sherman Act. The panic of 1893 supervening, on June 30 President Cleveland summoned Congress to meet in extra session on August 7, and in his message on August 8 demanded the unconditional repeal of the Sherman Act. The House responded promptly, and the vote on the repeal showed that the President had two thirds of his party with him; but the Senate delayed action till October 30, and even then it was to Republican rather than Democratic senators that the country was indebted for the repeal that was finally voted.

Repeal of  
the Sherman  
Act.

In the course of the next two years and a half the administration borrowed something over two hundred millions of dollars in the effort to keep the gold reserve up to one hundred millions. The policy was by no means an unqualified success, since the immediate result of a loan was a raid on the treasury by prospective purchasers of government securities for the gold with which to pay for them and to secure which the government was issuing them. Thus what was poured through the funnel was first taken from the spigot, the owner of the cask paying roundly the while for the process. The loans were also open to other criticisms, a fact that was eagerly seized upon by the pro-silver men of the President's own party. At the same time the commercial depression which ensued upon the panic, by making a multitude credulous of financial panaceas, was also greatly furthering the cause of silver. The Republican convention of 1896, which declared against free coinage of silver except by international agreement, and for the maintenance of the gold

The alignment of parties on the silver question, 1896.

standard until such agreement should be arrived at, was marked by the secession from it of the delegations of the silver States. The Democratic convention, on the other hand, fell entirely under the control of the free-silver wing, and declared for "the free and unlimited coinage of both gold and silver at the present legal ratio of sixteen to one, without waiting for the aid or consent of any other nation." The campaign that ensued was one of the most remarkable in the history of the United States, as well for the "business methods" — a rather inimical phrase, if the truth be known — put into effect by the Republican manager, Hanna, as for the extraordinary oratorical feats of the Democratic candidate, Mr. Bryan, who is estimated to have addressed five millions of people from the stump.

Though the victory of the Republican party was due primarily to its championship of the gold standard, the use to which it immediately put it was to supersede the Wilson Tariff with the so-called Dingley Tariff, which, shaped essentially on the lines of the McKinley Tariff but with a higher average schedule, was enacted July 24, 1897.

The Dingley Tariff and the gold standard.

Not till March, 1900, the menace of free silver being no longer necessary to assure the continuance of the Republican party in power, was an Act passed for the strengthening of the Gold Reserve, which was raised to one hundred and fifty millions and was further fortified by power being conferred upon the Secretary of the Treasury to issue bonds to keep it at that level. At the same time the note-issue power of the national banks was somewhat enlarged, — a measure which, together with the rapidly increasing stock of the world's gold from 1897 on, met completely any just demand for "more and cheaper money." During the same interval, moreover, the swift expansion of business was enabling the country to utilize

to advantage its hitherto excessive quantity of secondary currency, so that there was a constantly decreasing likelihood of the government's being called upon to make good its promise of redemption. The Gold Standard was, in short, secure.

#### 151. Civil Service.

It is evident that the interest of the chosen representatives of the people during the period we are reviewing was centred for the most part upon the problem of making government serviceable to business ; nor was the cry of reform often raised during these years, nor when raised was it assured of any large response from those who directed public opinion and legislation. In two matters, nevertheless, the period witnessed notable reforms : namely, the adoption of the Australian or secret ballot in most of the States, and the final adoption and rapid extension of civil service reform by the national government. As we have seen, a Civil Service Commission was created in 1871, which came to an end two years later through the wilful negligence of Congress, whose members had visions of all governmental patronage passing from their control. But even without the aid of a commission, the cause of a non-partisan civil service still made headway under President Hayes, who followed up the declaration in his inaugural, that officials should be secure in their positions so long as they remained moral and competent, with an executive order warning all officers of the government against participating in political management and forbidding political assessments.

It was, however, the events which marked the early days of the next administration that brought forward once more the project of Civil Service Reform in a way to enlist an irresistible public opinion on its side. Hardly

Early stage  
of civil ser-  
vice reform.

had President Garfield taken office when he nominated a collector of the port of New York who turned out to be distasteful to Senators Conkling and Platt of that State. These gentlemen, invoking what is known as "senatorial courtesy," then sought to defeat the nomination in the Senate, but, failing, resigned their seats in high dudgeon, thinking to secure a "vindication" through reëlection by the State legislature, but here, too, met a most inglorious overturn. The result of this episode was to show thoughtful people how pervasive was the influence of the question of patronage throughout our government, — a lesson soon to be reinforced by a frightful tragedy. On July 2, as the President was entering the Pennsylvania Station at Washington, he was fatally shot by a fanatical office-seeker, who had persuaded himself that Garfield's removal was the only way of healing the breach that had been made in the Republican party by the question of the New York collectorship. Reform now came within easy reach. On January 16, 1883, the Pendleton Act, 1883. Civil Service Act, passed by a Democratic House and a Republican Senate, was signed by President Arthur. It authorized the President to appoint a bi-partisan Civil Service Commission with authority to hold competitive examinations in the various States and Territories, and to make out lists of the successful competitors from which future appointments to the "classified" service should be made proportionately to the population of these units. President Arthur at once "classified" some fourteen thousand governmental positions, the incumbents of which were thereby secured from partisan removal; and since that time the ratio borne by the classified service to the total civil service of the government has steadily grown. During Harrison's administration, Theodore Roosevelt, an aggressive champion of the reform, was made chairman of the commission, and

by his public utterance performed a much needed service in refuting the interested criticisms of professional spoils-men. The classified service was now rapidly extended, so that by the close of President Cleveland's second administration it embraced, with the exception of the fourth-class postmasterships, practically all governmental positions between the grade of laborer and those positions which are filled by the President with the advice and consent of the Senate. Finally, in the closing days of President Roosevelt's administration, even these categories were invaded, first, by putting the consular service on a professional basis, and, secondly, by the classification of all fourth-class postmasterships north of the Ohio and east of the Mississippi.

#### 152. Administrative Measures.

The Civil Service Act is to be regarded as administrative legislation; that is to say, it goes to determine the make-up of government and affects its functioning. Other legislation, as well as developments less formal than legislation, working to the same effect have also to be noted for this period.

Thus by the Presidential Succession Act of June, 1886, it was provided that, in case of the death or disability of both the President and Vice-President, the Secretary of State, if eligible, should succeed to the vacancy, and after him, similarly, the Secretary of the Treasury, the Secretary of War, the Attorney-General, and so on. By the Act of February 3, 1887, designed to provide against a recurrence of the situation arising out of the election of 1876, it was provided that each State should settle for itself, through such machinery as it might provide, all contests arising with respect to its delegates in

The Presidential Succession Act; the Electoral Count Act; final repeal of the Tenure of Office Act.

the electoral college, and that in the absence of such determination by the State itself and of agreement between the two Houses of Congress, the State concerned should lose its electoral vote. Finally, owing to the controversy between President Cleveland and the Senate over the former's refusal to furnish reasons for certain removals and the plain evidences of popular approval of the President, Congress, in the closing days of the session of 1887, repealed what was still left of the Tenure of Office Act of 1867.

### 153. Relations of the Departments of Government.

President Cleveland's victory in this matter should be ranged with the similar victory of President Hayes in the matter of the rider to the army appropriation bill in 1878, with President Garfield's triumph over Conkling and Platt in 1881, and indeed with Mr. Cleveland's own still greater achievements in securing the repeal of the Sherman Purchase Act and in bringing the tariff and currency questions to a definite issue. Never did a President better demonstrate with what vast authority his office invests an incumbent of strong personality. Concomitant with the emergence of the Presidency from its temporary eclipse, during the period of reconstruction, was a perceptible diminution of public interest in, and esteem for, Congress. This was greatly assisted in 1890, when the rules adopted by the Republican House under the leadership of Reed, for the purpose of curbing minority filibustering and facilitating legislation, were seen to have greatly cut down discussion in that body and to have made it little more than an assembly for the registration of the decisions of its numerous committees. The Senate still afforded its members ample opportunity to debate the projects before it, but this oppor-

Resuscitation  
of the Presi-  
dency.

Recession of  
Congress from  
the foreground  
of popular  
interest.



tunity was so often abused that its exercise came to excite contemptuous remark. Particularly did the Senate suffer in popular estimation because of the part it played in sustaining the agitation for free silver, and still more, from the scandals that notoriously attended the election of some of its members.

#### 154. The Federal Judiciary and the States.

Much more important, however, than any change in the relation of the departments of the national government to each other is the view that the federal courts began to take during this period of their jurisdiction under the Fourteenth Amendment, and its effect upon the governmental competency of the States. The decisions in the Slaughter House Case and in *Munn vs. Illinois*, had left State legislation practically free from review by the national tribunals. This had always been, however, contrary to the view of a strong minority of the Supreme Bench. From about 1890 this minority became a majority, so that, from that date on, State legislation, particularly when touching business, came more and more under the supervision of the federal judiciary, — a supervision sure to be exercised, moreover, in accordance with the same individualistic view of the relation of government to property that lay behind its initial assertion. More and more, therefore, the State found it difficult to exercise, without transgressing either the Fourteenth Amendment or the commerce clause of the Constitution, as construed in the *Wabash* case, that control over capital and corporations which the federal government was not yet ready even to attempt.

State legislation brought under the supervision of the federal judiciary.

155. **Foreign Relations.**

Continuing along fairly conventional lines, and hinting but scantily at the greatly altered rôle that the United States was presently to begin playing in the world's affairs, our foreign relations during this period can, for the most part, be dismissed with very brief reference. In 1889, during Mr. Blaine's aggressive secretaryship, the United States, Germany, and Great Britain, after an exciting controversy between the first two, Samoa.

agreed upon a joint protectorate over Samoa, which was terminated ten years later by the transference of Tutuila to the United States and the rest of the group to Germany in full sovereignty. One of the principal items of Blaine's policy was the extension of the influence of the United States over Central and South America, and the Pan-American Congress, convened at Washington in 1889, was in furtherance of this policy, which, unfortunately, received a severe setback during the years immediately following, on account of acrimonious disputes between the United States and Chile.

Blaine's  
American  
policy.

At another point, too, the imaginative Secretary met with rebuff and disappointment, namely, in the attempt to assert for the United States absolute dominion over Bering Sea. Eventually the disputes that arose with Great Britain on account of the seizure by United States revenue cutters of British sealing vessels in those waters were referred to an international tribunal for settlement. The American pretensions, which, as a matter of fact, were easily refutable from the utterances of earlier American diplomats,

Bering Sea  
arbitration.

were entirely denied by the Tribunal, which none the less added another to the already long list of examples from the history of British-American relations in favor of the idea of international arbitration.

Blaine had retired in 1892 to contest the presidential nomination with his chief, but his successor, Foster, acted quite in the spirit of his policy when, in the closing days of Harrison's administration, he eagerly took advantage of an offer of the government recently set up by rebellion in the Hawaiian Islands and Hawaii, 1893. negotiated a treaty for the annexation of those islands to the United States. An investigation, however, set on foot by President Cleveland, seemed to show that the Hawaiian revolution owed its success rather too much to American assistance, both official and otherwise. The Treaty of Annexation was accordingly withdrawn from the Senate, and the American flag which had been raised over the government buildings at Honolulu was hauled down. On the other hand, the Senate would not hear of any action looking to the restoration of the native dynasty, but by unanimous vote declared that the Hawaiian Islands should maintain their own government free from interference, either by the United States or any other nation.

If President Cleveland's action with reference to Hawaii seemed anti-patriotic, his action two years later in forcing Great Britain to arbitrate her long-standing boundary dispute with Venezuela, taken on the premise that its natural superiority and the Monroe Doctrine make the United States "practically sovereign on the American continent," aroused the greatest outburst of patriotic enthusiasm that this period witnessed. Upon somewhat the same basis rested also the concern which Americans began to feel with reference to an Isthmian Canal after the Panama company received its charter from the French government in 1879; and in his message of March 8, 1885, President Hayes declared the policy of this country to be a "canal under American control."

The Monroe  
Doctrine ;  
Venezuela ;  
the canal  
question.

The refusal of American statesmen, however, to accept the idea of a neutralized canal, on the one hand, and Great Britain's insistence upon the Clayton-Bulwer Treaty (see page 174) on the other, prevented any real progress being made toward the solution of the diplomatic phase of the canal problem, and with the bankruptcy of the French Company public interest died down, not to be revived till the outbreak of the Spanish-American War in 1898.

#### 156. Summary of the Period.

The period of 1877 to 1897 closed, therefore, as it had begun, with the attention of the country centred upon its business expansion and the problems of government arising in consequence; and even as between these two themes of interest, business held the centre of the stage. Indeed, it was noted by foreign observers that American publicists were prevailingly disposed to accept as inevitable, whether they approved them or not, developments which a minimum of governmental control permitted in the field of commerce and trade. It is not impossible that there is a direct psychological connection between the national self-assertion represented by the Spanish-American War and the more aggressive action on the part of the government which has been manifested since that event.

## CHAPTER XIV.

THE WAR WITH SPAIN AND ITS  
CONSEQUENCES  
(1898-1917).

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**158. Steps Leading to the Intervention in Cuba.**

Geographical propinquity insured from the first a lively interest on the part of the United States in the fortunes of Cuba; but it was not until the outbreak of the Ten Years War in the island, in 1868, that a united American opinion was free to concern itself with the wrongs of the Cuban people under Spanish rule. For a number of years intervention threatened. Then in 1878 the insurrection suddenly collapsed and a precarious peace was renewed to last until 1895.

At the outset of the insurrection of 1895 President Cleveland gave solemn warning of the intention of the United States to live up to its full duty toward Spain as a friendly power, engaged in repressing domestic revolt; and it may be said that until intervention actually came this promise was kept, both by the administration that made it and its successor, though the difficulty of so doing, on account of our proximity to Cuba, of the disposition of the insurgents to look for American assistance, and especially of the sympathetic attitude of the vast majority of Americans toward Cuban aspirations, was indeed very great. Spain, on the other hand, manifested for some time the utmost obtuseness in the matter of attempting to conciliate American sentiment. Early in 1896 General Weyler came out to Cuba, and at once issued his famous reconcentration order, the carrying out of which, in the province of Havana alone, was later estimated by Consul General Lee to have brought death to fifty thousand persons and destitution and disease to as many more. Both in Congress and in the party conventions this year the cause of Cuban independence carried the day almost without opposition, while in his final message President Cleveland foreshad-

Early stages  
of the Cuban  
insurrection.

owed the possibility of intervention with considerable explicitness. Still more pointed were the protests which the new administration began to enter at Madrid against Weyler's policies, but which the Spanish ministry met with jaunty argumentation. At this point Señor Sagasta became prime minister of Spain, and at once Spanish policy began to reveal larger knowledge of the elements of the situation. In his December message, accordingly, President McKinley was able to report that Weyler had been recalled, that the reconcentration policy had been mitigated, and that autonomy had been offered to the Cuban people.

But long since, the fate of Cuba had passed out of the custody of kings and cabinets. The insurgents would have nothing to do with autonomy, and they were encouraged in this attitude by the fact that in the United States public opinion was now under the lurid spell of the "Yellow Press," the arch exponent of which had, according to rumor, sworn at the beginning of 1898 to involve the United States and Spain in war within ninety days. If so, fate worked hand and glove with him in a most singular fashion. In the columns of a New York paper of February 9 there was published a letter from Señor Dupuy de Lome, the Spanish minister at Washington, to a friend in Cuba, in which the writer, besides characterizing McKinley as a "bidder for the admiration of the crowd," seemed to reveal that certain negotiations he had entered into with our government regarding a commercial treaty were intended merely to keep the United States "interested." Forced to admit the genuineness of the publication, Señor de Lome at once asked and received his recall, and by February 14, the incident was closed, at least officially. Next day the battleship "Maine," which had been visiting at Havana since January 25, was shattered by an

Growing  
irritation  
between the  
United  
States and  
Spain.

explosion, and two hundred and sixty-six of her crew were killed. On March 14 Congress voted an emergency fund of fifty millions of dollars to be expended by the President at his own discretion. Three days later Senator Proctor of Vermont gave a harrowing and widely published account to the Senate of things he had seen on a recent tour of Cuba, the vestiges of reconcentration ; and four days after that a naval court of inquiry, which had been conducting an investigation of the "Maine" disaster on the spot, attributed it to the explosion of a submarine mine, — a verdict which was flatly contradicted by a Spanish board of inquiry on the following day.

Meantime the new Spanish ministry, by no means uninformed of the rapid development of the war movement in the United States, had begun to evince the strongest disposition to go any possible length to secure a diplomatic adjustment of the questions at issue between it and our government. Finally, April 4, the administration converted its suggestion of an armistice for Cuba into a demand, accompanied by the statement that within forty-eight hours the President would lay matters before Congress. On April 6, however, the representatives of the powers comprising the "concert of Europe" waited upon the President in a body in the interests of peace, and the President withheld his message. Similar pressure, added to the Pope's influence, was now brought to bear upon the Spanish ministry in behalf of a suspension of hostilities in Cuba, with the result that on April 10 Secretary of State Day was informed that General Blanco, Weyler's successor, had been ordered to grant it. The American minister at Madrid, General Woodford, in communicating with Washington next day, expressed the view that the surrender of the Spanish government was complete, and hoped that nothing would now be done to humiliate Spain. It also seems likely that President McKinley



was similarly minded. Nevertheless, that same day, the message that had been held over the head of the Spanish government for a week was sent in. It merely alluded to the latest communication from the Spanish government, and requested, "in the name of humanity, in the name of civilization, in behalf of endangered American interests, which give us the right and the duty to speak and act," authority to use the army and navy in bringing peace to Cuba. Nine days later, the President signed a joint resolution, asserting Cuba to be of right "free and independent," the duty of the United States to demand relinquishment of the island by the government of Spain, and, finally, a disclaimer for the United States of "any disposition or intention to exercise authority, jurisdiction, or control over said island except for the pacification thereof," and "its determination, when that is accomplished, to leave the government and control of the island to its people." On April 25 a second resolution declared that war between the United States and Spain had been in existence since April 21.

#### 159. The Spanish-American War.

Three events cover the important naval and military operations of the Spanish-American War: Dewey's destruction of the Spanish fleet at Manila on May 1, the destruction of Cervera's fleet at Santiago by the vessels of the fleet blockading that place on July 3, and the investment of Santiago by the army under General Shafter. When the war broke out, Commodore Dewey had already, in accordance with orders of some two months earlier, gathered most of the vessels of the Asiatic Station at Hong Kong, and here the squadron lay, fitting itself the while for battle, till April 24, when it received orders to proceed to the Philippine Islands and to "capture or

destroy the Spanish fleet." Three days later Dewey sailed, arriving at the entrance of Manila Bay the evening of April 30, and next morning off the city of Dewey at Manila. Manila itself. Though the battle that ensued was an entirely one-sided affair as far as the relative strength of the squadrons engaged is concerned, Dewey must be admitted nevertheless to have shown great courage in risking the perils of the harbor and the fire of shore batteries of unknown capacity, while his marksmen must of course be credited with the most extraordinary accuracy and thoroughness. The battle began at about five in the morning and was continued till half past seven, when the Americans withdrew for breakfast. At a quarter past eleven the work was resumed, and an hour and a half later was finished, most of the Spanish vessels being either sunk or on fire. The Spanish loss was three hundred and eighty-one killed, the American loss but seven slightly wounded.

Operations began in the West Indies with the blockade of the coast of Cuba from Bahia Honda to Cardenas, by the North Atlantic fleet under Captain Sampson. At the same time a "flying squadron" was placed under Commodore Schley to await at Hampton Roads the Spanish fleet, which, it was rumored, was headed for the West Indies; and a "patrol squadron," principally of "converted" merchantmen, which the government was acquiring at that time in large numbers, was organized to keep the eastern cities reassured. The Spanish squadron in question was that of Admiral Cervera, which after leaving the Cape Verde Islands on April 29, and disappearing from view for more than a fortnight, suddenly hove in sight off Martinique on May 12, but only to plunge forthwith into the same mysterious invisibility for about the same length of time again. Meanwhile Sampson, in an endeavor to as-

The Atlantic  
fleet in  
West Indian  
waters.

certain Cervera's whereabouts, had steamed to San Juan, Porto Rico, and back, and Schley had proceeded from Key West to Cienfuegos, thence to Santiago, and thence for two days back toward Key West, in what later became famous as his "retrograde movement." Finally, on May 28, having the previous day received very confident word from the Navy Department that Cervera was in Santiago, Schley set about for that place, where he instituted a blockade the same night, pending the arrival of Admiral Sampson.

The blockade continued for over a month, its general lack of episode being relieved by the magnificent heroism of Lieutenant Hobson, who with seven seamen took the collier "Merrimac" into the entrance of Santiago harbor, and there sunk her. The idea was to "bottle up" the blockaded squadron, but the attempt failed; and on July 2 the Spanish admiral, acting under positive orders from General Blanco, who feared that the approach of the American lines upon the town would render the position of the vessels untenable, sallied forth to do battle with if necessary, but to elude if possible, a fleet of overwhelming strength but of supposed inferior speed. The result of the battle was as conclusive as that of Manila, but the identity of the hero of the occasion was a matter of uncertainty, and soon of acrimonious controversy. On the one hand, it was pointed out that Admiral Sampson, having gone that morning to Siboney to confer with General Shafter, had not been in the vicinity of the battle till it was practically over. But, on the other hand, it was rejoined that Admiral Schley, the second in command, had not given a single order in the entire course of the fight, save to the captain of his flagship. A court of inquiry was instituted to compose the dispute, which was fast becoming a serious scandal, but so far as what in public estimation was the main

Destruction  
of Cervera's  
fleet.

matter in dispute was concerned, things were left at the conclusion of the inquiry in a worse maze than ever. The verdict of history was probably rendered by President Roosevelt when he called the battle of Santiago "a captains' fight."

No small share of the effectiveness of the navy was due to the efficiency of the Navy Department. In the case of the War Department, however, organized to supervise a force of twenty-five thousand, such efficiency was scarcely to be expected and certainly was not realized. Of

Inefficiency  
of the War  
Department. the two hundred volunteer regiments that responded to the President's call, the vast number were kept at inland camps, but some, including the Rough Riders with its mixture of Indians, cowboys, and collegians, were taken to Tampa on the west coast of Florida, and there organized, with a great part of the regular army, into the Fifth Army Corps. The selection of Tampa was very unfortunate, since the bureaus at Washington were in no condition to supplement its natural inaccessibility with efficient service. The troops could not get their mail, they remained clad in woollens till they got back from Cuba, and disease soon appeared among them in serious forms. Likewise, arrangements for the departure to Cuba displayed little prevision on the part of those in charge. The expedition of seventeen thousand spent nearly a week in effecting a confused embarkment, another week in delay on account of rumors that Spanish war vessels were in the vicinity, a third week in the voyage to the island, and, finally, parts of three days in disembarkment, for which no preparation had been made.

From Daiquiri, the point of landing, the advance upon Santiago to the westward was at once begun, so that by June 3 the American forces found El Caney on their right and San Juan Hill on their left. It was the capture

of the former by Lawton and of the latter by the Rough Riders and the first and tenth regiments of Wood's brigade that prompted Blanco's order compelling Cervera to leave harbor; and, in turn, it was the destruction of the Spanish fleet that enabled Sampson to bombard Santiago at will until its surrender, July 17. The yellow fever was by this time making the most terrifying inroads among our troops, so that it becomes impossible to escape the impression that Blanco's order, which certainly hastened the end of the siege, was a great piece of good luck for our military prestige. The army, however, was not even yet secure, but seemed likely to be sacrificed to official red tape. Not until August 4, and then only in consequence of a "round robin" from the brigade commanders and medical staff, setting forth at length its desperate situation, was the order given for its removal to the United States. Meantime, in a campaign which was hardly more than a parade, General Miles had overrun Porto Rico with an expedition of about seventeen thousand men and at a loss of three.

#### 160. Peace Terms.

The day following the surrender of Santiago, the Spanish government authorized the French ambassador at Washington to approach the American government upon the subject of peace. The message was conveyed to the President by M. Cambon on July 26, and four days later the President made formal reply, in which he outlined the terms of peace to be the immediate evacuation of Cuba by Spain, the cession of Porto Rico and one of the Ladrões, and, finally, the occupation by the United States of "the city, bay, and harbor of Manila, pending a treaty which should determine the control, disposition, and government of the Philippines."

Peace  
overtures.

The initial reply of the Spanish government being unsatisfactory, Secretary Day on August 10 presented again the same demands, but in a form which M. Cambon understood to be final. Thereupon the Spanish government gave way, and authorized M. Cambon to agree to the appointment of commissioners who should convene at Paris on or before October 18 and there arrange terms of peace.

The two principal questions before the peace commission were the arrangement of the Cuban debt, which the Spanish representatives vainly strove to saddle on the United States or Cuba, and the disposition of the Philippines. The Philippine question was the more perplexing in that the actual situation in those islands had been considerably altered by the capture of Manila by General Merritt the very day following the signature of the peace protocol, and also since both that instrument and the subsequent instructions to our commissioners showed most plainly that the President himself was not yet "out of the woods" on the subject. On the one hand, therefore, we find the Spanish commissioners insisting that the protocol contemplated only the temporary occupation of Manila by the United States, and, on the other hand, the American commissioners divided among themselves as to whether to take all or leave all or take some and leave some. At last, however, President McKinley was ready to read the oracle of public opinion, — somewhat carefully instructed in his own preferences, one is tempted to believe, — and found it to favor the cession of the entire group to the United States, which, accordingly, the American commissioners were directed to demand on October 26. The demand was at first based on alleged "conquest," but eventually the United States had to agree to "purchase" the islands for twenty millions of dollars. The Treaty of

Peace was ratified by the Senate after a month's debate on February 6, 1899,—an important factor in securing the ratification being the attitude of Mr. Bryan, who was willing to see the Philippines temporarily annexed to the United States in order that their eventual fate might furnish an issue for the campaign of 1900.

#### 161. Congress and the New Dependencies.

It turned out that Mr. Bryan had reckoned without his host, more or less. For it is the habit of the American people to reduce questions of policy to questions of constitutional law, and in that form to take them into court for solution. Whether Congress, in legislating for alien inhabitants of tropical islands was to be hampered at every turn by a Constitution designed for English-speaking people of the temperate zone or whether it was to be allowed its own best discretion in the matter was, in truth, essentially the same question as whether the United States was to retain those islands at all. Fortunately, the result of the decision in *Downes vs. Bidwell*, in which the Supreme Court held that Porto Rico is not a part of the United States, within the contemplation of the Constitution—until at least Congress should extend the Constitution to that island—was to leave Congress with a free hand. This decision overrode an earlier dictum or two, as for example one in the *Dred Scott* Decision, but it followed very closely the entire logic of Congressional legislation upon the subject of territories from the outset of our government.

Vested, then, with a free hand, Congress turned to the task of providing governments for the Philippines and Porto Rico and for Hawaii, which had finally been annexed to the United States by joint resolution while the war with Spain was still waging.

The Constitution does not follow the flag.

The difficulties presented by the case of the Philippines were obviously the greatest. For in addition to the fact that here was a population of nearly eight millions, scattered over some three hundred islands, and divided into eighty tribes speaking a score or more of dialects, a population largely Christian, but partly savage, and partly pagan Mohammedans, — in addition to all this terrifying confusion of affiliation, tongue, and cult, there was also the fact that a great section of the population of the principal islands, belonging to the more advanced tribes, were engaged in a revolt against their new sovereigns, both the causes and the merits of which were enveloped in much obscurity.

Difficulties  
of the  
Philippine  
problem.

At the head of the Philippine revolt was Aguinaldo, the leader and also the betrayer of a similar uprising against Spanish authority in 1896. Dewey's intention, at least at first, was to make an ally of Aguinaldo, who in fact returned to the Philippines at the American commander's invitation on the United States gunboat "McCulloch." General Anderson was also most cordial toward the "General," whom he desired to have "coöperate with us in military operations against the Spanish forces." This was early in July. Three weeks later General Merritt arrived with quite different views of Aguinaldo and the "Philippine Republic," and the course of events began which led to the first actual exchange of blows between the American and Philippine forces early in February, 1899. Till the end of 1899 the warfare was more or less regular, but finding that he had not the forces with which to meet the more than fifty thousand troops of the American army, Aguinaldo decided in November to disband his forces and to resort to guerilla fighting. For two years, accordingly, lightly armed bands of natives, thoroughly ac-

The Phil-  
ippine  
revolt.



quainted with every avenue of escape from pursuit; ranged over the provinces of the principal islands, visiting every sort of atrocity upon the Americans who fell into their hands and upon all natives friendly to the Americans. Eventually, by methods of organization and, unfortunately, sometimes by methods of fighting as well, similar to those of their foes, the American forces brought this phase of the war to an end also, just three years from the inception of hostilities.

Meanwhile, on July 21, 1902, William H. Taft of Ohio had become first Civil Governor of the islands; and a year later Congress enacted the Philippine Government Act, under which the islands received a governor, an executive council consisting of seven appointive members, four Americans and three Filipinos, and, after 1907, an elective legislative assembly of eighty-one members. There was also a system of courts, topped by a Supreme Court, consisting of three

Civil government in the Philippines. Filipino and two American justices. This remained the constitution of the islands until

the passage of the Jones Act of August 29, 1916. By this measure the governor, the justices of the Supreme Court, and a few executive officers remain the appointees of the President. The governor receives the veto power, and his appointing power is enlarged. On the other hand, with the legislative assembly is now joined a Senate of twenty-four members, largely elective, while the franchise is extended to all male residents who speak or write a native dialect. The act also declares the intention of the United States to recognize the independence of the islands upon the secure establishment there of stable government.

The United States has governed the Philippines for the benefit of the Filipinos. The purchase of the lands of the Friars in 1903 threw open to acquisition

by the natives more than 400,000 acres of the best soil of the islands. From the beginning the government has followed the policy of refusing to make land and timber concessions of large dimensions. The extension of the coastwise trading laws of the islands in 1907 supplemented as it was two years later by the concession of free entry into the United States for the greater portion of the principal Philippine products, became a logical part of a policy of commercial development in the common interest of Americans and Filipinos. Meantime, the development of the Christian part of the archipelago into a community destined for self-government has been furthered in various ways: by extensive road building, by the administration of an even-handed justice, by the establishment of a widespread system of public schools, giving instruction in the English language. It is generally agreed that the most substantial success of American rule has been its educational policy.

The Foraker Act of April 12, 1900, provided for Porto Rico a government much the same in outline as that set up in the Philippine Islands two years later. The system was unsatisfactory to the inhabitants in two respects: it left the preponderance in the government with the American membership on the Executive Council, and it did not extend American citizenship to them. Both grievances were finally removed by the act of March 2, 1917, which conferred full American citizenship upon Porto Ricans and revised their government according to the general model of the Jones Act.

#### 162. The United States and Cuba.

Spain yielded the Island of Cuba to the United States on New Year's Day, 1899, and from then till May,

1902, General Leonard Wood, commander of the American forces stationed there, carried on the government. Of the achievements of this temporary régime the most notable were its organization of the public school system of Cuba and its measures of sanitation. At the close of a period of war, disease, and famine, Havana found itself free from yellow fever for the first time in nearly a century and a half.

The convention which was to give Cuba a constitution assembled at Havana early in November, 1900. At first this body endeavored to evade the question of the future relations of the new republic with the United States. The Platt Amendment to the Army Bill of The Platt Amendment. March, 1901, however, directed the President of the United States to leave Cuba to itself when—and only when—it should agree never to impair its independence or territorial integrity by treaty, nor contract pecuniary obligations which it could not meet from the ordinary revenues, and should recognize the right of the United States to intervene at any time to secure the island's independence or orderly government therein. After three months and more of discussion the convention finally incorporated the Platt Amendment in the Cuban constitution; and two years later its stipulations were repeated in a treaty which was ratified by the United States July 7, 1904.

Meantime, with the inauguration of President Palma, May 20, 1902, the new government had been set going. It lasted through only one ad-  
Political in-  
stability of  
the Island ministration, and at the close of September, 1906, conditions of disorder in the island forced the United States to assume control once more, till January, 1909. Since then also American intervention has more than once impended. The election in 1912 of President Menocal put the more substantial elements of the island in control; nevertheless, his re-

election in 1916 was followed by an uprising which compelled the landing of American marines at Santiago and other ports. The World War, into which the Cuban government loyally followed the United States, resulted in conferring on the Cuban planters for the time being a monopoly of the world's sugar market, and so brought to the island an unwonted prosperity, accompanied unfortunately by general extravagance. Cuba's future, as an independent community, must still be regarded as far from assured.

### 163. Relations with the Orient.

At the outset of the war with Spain, though Great Britain was friendly, on the Continent, save possibly in Russia, the United States was confronted by a solid wall of hostile opinion, and indeed, as has subsequently transpired, there was at one time some sort of movement on foot among European cabinets looking to intervention in Spain's behalf. It failed, but the jealousy that underlay it found expression now and then in more petty ways. In Manila Bay Admiral Diedrichs of the German squadron, which had been dispatched thither after Dewey's victory for no adequate reason, became so officious that Dewey offered him "a fight, if he wanted it," with the result of bringing such annoyances to an end. Moreover, as the war wore on, and the United States revealed its naval superiority to its adversary, the attitude of Europe began to change, and by the close of the war more than one Continental government was ready and eager to court American favor.

One of President McKinley's reasons for demanding the Philippines was furnished by the fact that we already had considerable trading interests with the Orient which, the President was persuaded, might be largely increased if

Attitude of Europe toward our war with Spain.

The policy of the "open door."

we could but acquire a vestibule to China. Unhappily at this moment the Chinese Empire seemed to be on the verge of dissolution and the European Powers to be parcelling among themselves the prospective corpse, a consummation which would clearly have meant the eventual exclusion of the United States from all trade with China. So the acquisition of the Philippines carried with it the corollary of American championship both of the integrity of China and of equal trading rights therein.

At first the American policy made little headway, the responses of all the powers save Great Britain to Mr. Hay's note of September, 1899, on the subject of the "open door" being evasive in the extreme. Events, however, were playing into the hands of our diplomacy. In 1900 a Chinese patriotic society, called the "Boxers," began an anti-foreign agitation, the consequence of which was the assassination of the German ambassador and the investment of the foreign legations The Boxer revolt. for nearly two months by a horde of Boxers, generously sprinkled with Chinese imperial troops. As speedily as possible a relief expedition, to which each of the Powers contributed its contingent, was assembled at Taku, whence it proceeded to Tientsin. Meantime, diplomacy had been at work endeavoring to find out whether the members of the legations, from whom no word reached the outside world for over a month, yet survived. While the other nations assumed off-hand that the Chinese Imperial Court was sympathetic with the Boxers, Mr. Hay adopted from the outset the tactics of treating the Chinese government as acting in good faith. The result of this method was that on July 20th the Government was able to give the world positive assurances as to the safety of the members of the legations. The relief expedition now

moved forward, and on August 14th the siege that the Boxers had begun on June 20th was raised.

One consequence of the Boxer revolt was to put the United States in so favorable a position at Peking as to create of the combined influence of the United States, Great Britain, and Japan, a "moral balance of power," so to speak, in favor of the integrity of China and the open door, and to this "moral balance" was

added the weight of arms, when Japan expelled Russia from Manchuria, in 1905. This posture of affairs, however, did not prove to

be lasting. Japan was now in a position of advantage, the temptations of which were obvious, although for the moment some reliance was had upon her sense of gratitude both for American sympathy during the war and for the part served by President Roosevelt's mediation in ending it at a moment when her resources were running dangerously low. But gratitude is a feeble staff to rely upon in international politics, besides which, during the months following the Peace of Portsmouth a most irritating issue had been preparing between the United States and the island Empire.

In 1894 Japan had obtained a treaty with the United States, guaranteeing her subjects in the latter country the same rights of residence that American citizens themselves enjoy. In October, 1906, the Japanese government entered complaint at Washington that the city of San Francisco, whose board of education were taking measures to segregate children of Oriental parentage in a separate school, was violating this treaty. The attitude of

The  
"Japanese  
Question."

the Japanese government was in point of fact not tenable, since the courts of this country have repeatedly ruled that certain classes of our own citizens may be so segregated. But President Roosevelt, discerning the

issue of racial pride involved, promptly intervened with the San Francisco authorities, with the result that they abandoned their objectionable program. Next year a "gentlemen's agreement" was effected between the two governments by which children of Orientals not over sixteen years of age were admitted to the ordinary schools in San Francisco, in return for a promise on the part of Japan to withhold passports from laborers bound for the United States; and in 1911 a new treaty was entered into with Japan which narrows considerably the privileges secured by the earlier convention to Japanese subjects in the United States, especially with respect to land-holding, and which was supplemented by a note from the Japanese government reiterating its pledge to restrict emigration to the United States. But the controversy was still far from being at an end. An act passed in 1913 by the California legislature limits the rights of aliens not eligible to citizenship, in respect to land-holding in the State, strictly to the rights claimable by them under treaty. The provocation alleged for the act was the loose conduct of the Japanese government in granting passports to relatives of Japanese in the United States and especially to so-called "picture-brides."

The issues involved in "the Japanese Question" are deep-lying ones. On the one hand, Japan demands recognition of the principle of racial equality. On the other hand, the United States is determined that a new race problem shall not be thrust upon it, and that at any rate, it shall not abate its sovereign right to decide for itself what elements it shall admit to its territory.

Meantime, the phase of our relations with Japan which centered originally about the principle of the "open door" has become more and more complex.

The action of Congress, in 1908, in returning, at President Roosevelt's suggestion, more than half of the indemnity which the United States received from China

The United States and China in recent years.

after the Boxer outbreak immensely enhanced American influence in that country. Nor was this likely to be a merely transitory matter, since the amount returned was made a fund to support the education in the United States of the *élite* of the Chinese youth. Accordingly, when the Chinese, under the leadership of Sun Yat Sen, who had received his education in the United States, cast off the Manchu Monarchy in 1912, they naturally turned to the United States for advisors to assist them in reorganizing their institutions. At the same time American bankers were encouraged by the Taft Administration to enter into an arrangement with those of Great Britain, Germany, France, Russia, and Japan, to extend a loan of \$300,000,000 to the new Republic. Before, however, the terms of the arrangement were settled, it was repudiated for the United States by the incoming Administration of President Wilson as "dollar diplomacy."

Not many months afterward, the European War broke out, and Japan at once proceeded to make the most of her opportunity to secure a dominant position in China. Toward the end of 1914, she forced the surrender by Germany of her interests in the Shantung peninsula. Early the year following she presented twenty-one demands to the Chinese Government, the plain purport of which was that China should become the vassal of the Japanese Empire. Though the Chinese government was forced to pledge the utmost secrecy respecting these demands and the Japanese authorities steadily denied their reported content, the United States formally warned both governments



that it would not recognize the validity of any arrangement derogatory of its own treaty rights or of China's integrity.

Eventually Japan receded from her more extreme points, but secured from China the right to exploit China's South Manchuria and Eastern Inner Mongolia and to dispose at will of the German holdings in Shantung, though she had originally agreed to restore these to China intact; and early in 1917 Great Britain and France, by secret agreements, assented to this arrangement. A few weeks later China imitated the example of the United States in breaking off diplomatic relations with the German Imperial Government, and in August, again following our lead, declared war upon Germany. Meanwhile, through the "Lansing-Ishii Agreement," our State Department had accorded recognition of Japan's "special interests" growing out of proximity to China, a concession of doubtful, not to say dangerous import. In brief, the integrity of China is still far from being assured; indeed, the peril which to-day confronts it is more definite, more concentrated than ever before.

#### 164. The Panama Canal.

The second Hay-Pauncefote Treaty—its predecessor having failed because of the refusal of the British government to accept amendments which had been attached to it in the Senate—was signed November 18, 1901, and ratified by the Senate a month later. It abrogated the Clayton-Bulwer Treaty and gave the assent of Great Britain to exclusive control by the United States of any interoceanic canal to be built by the latter in the Western Hemisphere. But where was such canal to be built? By a bill which passed the House of

Abrogation  
of the  
Clayton-  
Bulwer  
Treaty.

Representatives all but unanimously, early in January, 1902, it was to be along what was known as the Nicaragua route; but in the Senate an amendment offered by Senator Spooner at President Roosevelt's suggestion was adopted, authorizing the President to purchase the franchise and property of the French Company for a sum not to exceed forty millions of dollars, and to acquire from Colombia, within a "reasonable time," the necessary territory, with jurisdiction, for the completion of a canal along the Panama route, and in this amendment the House promptly concurred.

But at this point a new obstacle arose which seemed likely to prove as difficult to surmount as any of the old ones had been. On August 12, 1903, the Colombia Senate adjourned, after unanimously rejecting a convention for the transference to the United States of the zone across Panama. The situation was serious, for the "reasonable time" within which the Panama route must be adopted was running short. At this juncture rumors began to accumulate of an impending revolution on the Isthmus against Colombia's authority, and on November 3rd rumor was justified by events. It has been charged; though never proved, that this revolution, if not inspired from Washington, at least received encouragement from that quarter. At any rate, it was eagerly taken advantage of by the Government as an opportunity to realize its own purposes on the Isthmus. On November 6th the United States recognized the infant republic, and on November 18th completed a treaty with it, whereby for ten millions of dollars and a future annuity the United States received practically sovereign control of a ten-mile strip from Colon to Panama. In November, 1905, it was decided to con-

Selection of  
the Panama  
route.

The revolu-  
tion at  
Panama.

struct a lock canal, a sea-level canal being the expensive alternative. Questions of management, labor, and sanitation interposed trying delays, but in 1907 the Panama Canal Commission, which had been created in 1904, was reorganized under Colonel George W. Goethals as chairman, and thereafter the work of construction was pressed rapidly forward. The Canal was formally opened to traffic August 13, 1914, and the next year its completion was celebrated by expositions at San Francisco and San Diego.

Already two important questions had arisen touching the rights of the United States, as defined by the Hay-Pauncefote treaty of 1901. The first was whether we were entitled to fortify the canal, a question which was answered in the affirmative when in 1911 Great Britain acquiesced in the beginning of fortification. But with regard to the second question, Great Britain has been less complaisant.

This is whether the United States is entitled to grant its coastwise trading vessels free use of the canal, in view of the stipulation in Article III of the Treaty, that "the Canal shall be free and open to the vessels . . . of all nations . . . on terms of entire equality, so that there shall be no discrimination . . . in respect of . . . charges of traffic or otherwise." By the act of August 24, 1912, it was decreed that our coastwise shipping should enjoy free passage of the canal. Great Britain promptly protested that the exemption not only violated the "equality" of treatment guaranteed by the treaty to vessels of "all nations," but that it also threw an undue share of the burden of the canal's upkeep upon British and foreign shipping. Secretary Knox showed in reply that the tolls charged were based on a calculation which

counted in American coastwise shipping, with the result that the concession made such shipping was at the expense of the United States government, not at that of other users of the Canal; nor was this unfairly discriminatory, he urged, since the coastwise trade is a monopoly closed to foreign vessels. Although the Democratic platform of 1912 endorsed the exemption clause of the Act of August 24th, President Wilson, in March, 1914, came before Congress and demanded its repeal, with a view to allaying, it is probable, British impatience at his Mexican policy. Though it eventually granted the repeal, Congress at the same time asserted the right of the United States to discriminate in favor not simply of its coastwise trading vessels, but of its shipping in general, by exempting it "from the payment of tolls for passage through the said canal." The assertion rests on the contention that the United States being the owner of the Canal, cannot be fairly required to pay for the use of its own property, although it is unquestionably under obligation by the Treaty of 1901 to treat all other nations using the canal both equally and fairly.

#### **165. The United States and The Caribbean Nations.**

The policy of the Roosevelt Administration with reference to the Caribbean countries took its rise from two sources: first, the necessity of reconciling the Monroe Doctrine with the growing disposition of European creditor states to make forcible collection of debts due them from Latin-American republics; secondly, the necessity, in the interest of the security of the Panama Canal, of preventing the Caribbean from becoming a cock-pit for European navies. In December, 1902, President Roosevelt induced Great Britain and Germany to refer certain pecuniary claims against Vene-

zuela to the Hague Court of Arbitration; and five years later, the American representatives at the second Hague Conference championed with success the idea, first put forward by Senor Drago, foreign minister of Argentina, that creditor states ought to proceed forcibly against their debtors only as a last resort. Meantime, in his message of December, 1904, President Roosevelt had formulated his "big stick" doctrine, the principle, in other words, that the United States ought to stand ready to exercise, where circumstances required it, an international police over those of its Latin-American neighbors whose security under the Monroe Doctrine had become ir-responsibility. In pursuance of this idea, the Administration entered early next year into an "executive agreement"—later converted into a treaty—with Santo Domingo, by which it appointed a receiver of the customs of that republic, clad with authority to satisfy the rightful claims of foreign creditors.

Proceeding on the basis of this precedent the United States has within recent years rapidly consolidated what has come to amount to an overlordship of the Caribbean, a work in which the Wilson Administration, despite its announced aversion to "dollar diplomacy," has taken an important part. Since 1912 our Government has, at one time or other, actively inter-vened in the domestic affairs of Nicaragua, Panama, Costa Rica, Guatamala, Hayti, and Santo Domingo, and since 1916 it has main-tained military governments in the two last named republics; and meantime, by treaties ratified on the part of the United States in February, 1916, Hayti and Nicaragua have been virtually converted into American protectorates. The treaty with the latter further accords the United States the exclusive right

Origin of  
the "big  
stick"  
doctrine.

The  
"American  
Mediterranean."

to construct a canal across Nicaraguan territory, a naval base in Fonseca Bay on the Pacific, and a ninety-nine year lease of the Corn Islands opposite the Atlantic terminus of the Panama Canal. The same year, after various abortive efforts, one of which was frustrated by intermeddling on the part of Germany, we succeeded in acquiring the Virgin Islands by purchase from Denmark.

#### 166. International Arbitration.

Thus as a direct outcome of the war with Spain the United States became, during the period now primarily under survey, the center of an ever widening circle of international relations. At the same time it showed itself to be tenacious of the traditions which had dominated its older position in the family of nations, a fact which is illustrated not only by its continued adherence to the Monroe Doctrine, but also by the history of international arbitration during this period. A non-military nation and one whose institutions are grounded on the idea of the "rule of law," the United States has been from the beginning friendly to the idea of adjusting international disputes by judicial methods. In 1899, accordingly, its delegates took a foremost part in the The Hague Conference. work of the first Hague Conference in setting up an International Tribunal of Arbitration, as they did eight years later at a second conference in improving this body and in the work of codifying the laws of war and neutrality. In the years 1908-1909, moreover, our Government became party to some twenty-five arbitration treaties fashioned upon the model proposed by the first Hague Conference. Meantime, in 1902, the United States and Mexico had brought before the Hague Tribunal its first case, the famous Pious Funds dispute, which had been running

The Alaskan  
boundary  
and other  
disputes.

since 1848. Then in 1910 the even longer standing quarrel with Great Britain over our fishing rights in the North Atlantic, as defined by the Treaty of 1818, was submitted to the same tribunal. On the other hand, the Alaskan Boundary dispute, which arose out of certain pretensions of Canada in consequence of the discovery of gold in the Klondike in 1897, was adjudicated by a joint commission consisting of three Americans, two Canadians, and a distinguished British jurist, Lord Alverstone. In this and the Pious Funds case, the American contentions for the most part prevailed, the award in the Fisheries dispute was more in the nature of a compromise.

In all these cases the consent of the Senate was readily forthcoming. But when in 1897 Secretary Olney negotiated a general arbitration treaty with Great Britain which would have made unnecessary any further recourse to the Senate regarding the arbitrations arising under the treaty, that body, always jealous of its constitutional prerogative, interposed its veto; and it took the same stand with regard to similar conventions negotiated during the administrations of Presidents Roosevelt and Taft. A few months after Mr. Taft's failure, Mr. Bryan became Secretary of State, bringing to office a favorite theory that modern wars are generally the outcome of precipitancy. At his

The Bryan  
peace  
treaties.

behest, President Wilson, on April 24, 1913, laid before diplomatic representatives at Washington a proposal that their governments should agree to submit all kinds of disputes with the United States which diplomacy had failed to adjust to an international commission for investigation and report, and not to go to war during such investigation. Before the outbreak of the European War thirty-five nations had

accepted the plan "in principle" and thirty of them had signed treaties, all of which were eventually ratified, embodying it. Germany was not one of these, a fact which later may have been of some importance.



## CHAPTER XV.

## THE PROGRESSIVE ERA.

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## 168. Political Unrest: The Campaign of 1900.

The campaign of 1896 was one of the most important in the history of the country. Then for the first time numerous discontents were brought together and merged in a cause. Occurring in the midst of a period of depression, the immediate issue was furnished by a proposal for relief, but back of the extravagance of Free Silver was a much broader issue, which became more articulate in

Significance  
of the  
campaign  
of 1896.

the years following. This was the issue of democratic government versus "big business." The feeling had become widespread by 1896 that the concentration of financial and industrial power in the country was attended by an alliance with corrupt political methods, and that the processes of free government were being perverted to selfish ends. In the field of national politics the rescue of government from the control of "high finance" and its allies became the watchword successively of Bryan, Roosevelt, and Wilson, while within the States the same idea furnished the starting-point of constitutional reforms of a radical character.

The Republican Convention which met at Philadelphia, June 20, 1900, under the domination of Platt,

McKinley's  
re-election  
and  
assassina-  
tion.

Quay, and Hanna, renominated President McKinley, and gave him for running mate Theodore Roosevelt, who was at the moment governor of New York. A fortnight later

the Democratic Party nominated for a second time Mr. Bryan, who, since he refused to recede from his financial heresies, was defeated rather more decisively than he had been four years before. Nevertheless, the heavy vote which he polled in the midst of an era of undoubted prosperity afforded impressive evidence of a deep-seated and persistent discontent throughout the country; so much so, indeed, that even President McKinley, despite the 'stand-pat' platform upon which he had been re-elected, began sounding a faint note of reform in his later utterances. In September, 1901, McKinley was assassinated and Roosevelt became President.

#### 169. Roosevelt as McKinley's Successor.

Rich as it was in concrete achievement, Mr. Roosevelt's remarkable administration was still more fruitful

**The Rooseveltian creed.** of ideas. For Roosevelt brought to office, along with his superb physical and intellectual energy, and almost unrivalled ability in the choice and management of men, a well thought-out political philosophy. He believed that the nation, once a congeries of States, had become a real community; that the National Government, informed and administered by men who knew their tasks, could be made an effective agency for the advancement of this community; that, despite the rival organizations of labor and capital, there was still in the United States, a large, and if properly led, dominant body of citizenship independent of either; that the President was the natural and responsible leader of this citizenship, and that party was the necessary instrument of his leadership. But above all Mr. Roosevelt believed in the right of government to claim supremacy within a field of law which is ever broadening in response to public necessity and public opinion, and the result was that the National Government began under his guidance to exercise powers which had never before been claimed for it.

In May, 1902, the United Mine Workers of America, to the number of 150,000, began a strike against the anthracite coal combine for shorter hours, higher wages, and the recognition of their union. The strike was conducted in an orderly manner under the leadership of John Mitchell and speedily won the sympathy of the public. As summer wore away, however, with no settlement in sight, the fear of a coal famine began to grip the East. The strikers were willing to arbitrate but not the owners, until in response to repeated appeals the President at last decided to intervene in the quarrel. Even then the operators maintained their intransigent attitude for a

**The great anthracite coal strike.**

time; and in the interval the President formed the drastic plan of sending United States troops into the anthracite region, declaring martial law there, and running the mines "as a receiver." Finally, at a second conference, in October, the operators gave way and consented to arbitration before a commission to be appointed by the President. This body rendered a decision the following March which, as regards hours and wages, was generally favorable to the demands of the strikers.

In 1903 Mr. Roosevelt's Attorney-General, Philander C. Knox, brought a suit under the Sherman Act against the Northern Securities Company, a "holding-company" devised to merge the Hill and Morgan railway interests in the Northwest. The decision of the Supreme Court sustaining the Government and ordering the dissolution of this combine (March, 1904) was of great importance as showing that the Sherman Act, even though not itself a very efficacious remedy for capitalistic combinations, was nevertheless a powerful weapon in the hands of the Executive with which to negotiate for more adequate measures. Thus it was in 1903 also that the President secured legislation from Congress establishing the Department of Commerce and Labor, with a bureau of Corporations, and the so-called Elkins Act forbidding the granting of railroad rebates. The activities of Congress and the Department of Justice, moreover, were helped out by the operation of the laws of economics when, in consequence of the vast quantity of new securities which had been floated since 1900, a financial panic developed in 1903. From that time forward trust formations proceeded more cautiously for some years.

**170. Roosevelt, President in His Own Right.**

It was indicative of Roosevelt's achievement even thus early that in 1904 the reactionary interests turned to the Democratic Party, the control of which was temporarily wrested from Mr. Bryan and his friends. Roosevelt, re-nominated by the Republicans, was, however, elected by an overwhelming majority over his conservative opponent, Judge Alton B. Parker of New York. Thus assured of the confidence of the country and President now in his own right, he at once made plain his intention of assuming a more dominant rôle in guiding the policy of the Government than he had hitherto ventured to assert.

The subject of railroad regulation first received his attention. As we have seen, the Inter-State Commerce Commission, which had been established by the Act of 1887, had by 1900 practically ceased to function. By the Hepburn Act of June 29, 1906, which bore the form of an amendment of the earlier act, the Commission, now enlarged from five to seven members and endowed with authority to prescribe reasonable maximum rates, was recalled from failure and made one of the most valuable administrative agencies of the National Government. The intervention of the Commission was still confined to cases raised by complaint of shippers; but its determinations, arrived at after a fair hearing, were ordinarily to be final. At the same time its jurisdiction was extended to pipe-lines, express companies, and sleeping car companies, doing interstate business.

The Hepburn Act was designed for the benefit of the general public, the users of the railroads. The Federal Employers' Liability Act of 1906 had the employees of the great carriers immediately in mind. By its

The  
campaign  
of 1904.

Railroad  
rate regu-  
lation.

provisions, when such an employee was killed or injured in the course of his employment, the employing company was to be unable henceforth to plead "the fellow-servant" doctrine as a defense, while the importance to be given to "contributory negligence" on

the part of the employee himself was to be left to the jury in assessing damages. In its original form the act was pronounced invalid by the Supreme Court, on account of its failure to distinguish between employees engaged in interstate commerce and those not so engaged at the time of death or injury. A second act, which became law in 1908, was drawn to meet this objection, and was promptly upheld by the Court.

The way for a third type of law affecting interstate commerce had been prepared by an act which Congress had passed in 1895, prohibiting the importation of lottery tickets from abroad or their shipment from one State to another. Seizing upon this precedent, Mr. Roosevelt, following a federal investigation of the Chicago stockyards, urged the passage of an act subjecting foods and drugs which were offered for shipment in interstate or foreign trade to federal inspection, and penalizing attempts to ship misbranded or adulterated products from one State to another or abroad. Con-

gress thereupon enacted the Pure Food and Drug Act of June 30, 1906, which was in due course sustained by the Supreme Court.

Later, in President Taft's administration, Congress enacted, and the Supreme Court sustained, the so-called "White Slave Act," making it a penal offense to assist the transportation of women from one State to another for immoral purposes.

With no domestic policy of his administration, however, is the name of Mr. Roosevelt more enduringly

The Federal  
Employers'  
Liability  
Act.

The Pure  
Food and  
Drug Act.

Roosevelt  
and  
"Conservation."

associated than that of "conservation." The term at first referred more especially to the movement led by Mr. Gifford Pinchot, head of the bureau of forestry of the Department of Agriculture, for the preservation and renewal of the forests of the United States; but it soon came to signify generally the preservation of the wealth of the country, the safe-guarding of its unappropriated mineral resources, the protection of its wild life, the irrigation of arid regions and their opening up to cultivation, the development of the sources of water power on the public lands, and the development of inland waterways and their organization into a system of transportation capable of supplementing the railroads. Under Mr. Roosevelt's enthusiastic sponsorship the "conservation movement" gained rapid headway. A national conference on the subject at the White House in 1908 and the appointment the same year of a National Conservation Commission, consisting of one member from each State and territory, were followed within a few months by the creation of local commissions in over forty states, not to mention more than fifty unofficial organizations. Meantime, under the Reclamation Act of 1902, which had allocated the proceeds from the sale of public lands in the arid States of the West to the construction of irrigation projects under the direction of the Department of the Interior, there had been reclaimed from the desert nearly two millions of acres within five years. During the same period the President, under authority conferred by an act passed in 1891, was steadily withdrawing forest lands from public entry, with the result that the National Government's forest reserves were increased from about fifty millions of acres to nearly 200 millions before the end of the administration. The same policy, furthermore, was

extended, without specific authorization of statute, to lands in which the presence of valuable mineral deposits was suspected. Not till Mr. Taft's administration was the Government authorized, in selling public lands, to separate the title to the surface from that to the underlying minerals and to dispose of the latter by lease only.

It would, of course, be an error to suppose that the policies just described met with no opposition. On the contrary, they often invaded important interests in very drastic fashion—interests of which the Republican party had usually been the especial guardian. It is hardly surprising, therefore, that long before the end of Roosevelt's second administration a serious rift began to appear in the Republican lute. The real stronghold of Roosevelt's party foes was Congress, where, through the agency of Speaker Cannon of the Republican House and Senator Aldrich of Rhode Island, Republican dissension. they controlled the directing machinery of both branches. Early in 1907 a financial panic occurred, the blame for which Roosevelt's enemies sought to place upon his shoulders, but quite unsuccessfully, and with the approach of the campaign of 1908, it was apparent that Mr. Roosevelt, though he had given a pledge at the close of the election of 1904 not to accept a renomination for himself "on any condition," would nevertheless have the virtual choice of his successor.

The campaign of 1908. This fell upon William Howard Taft of Ohio, his Secretary of War, whose election over Bryan, once again in control of the Democratic party, was a foregone conclusion, which an uneventful campaign did not disturb. On March 4, 1909, Mr. Taft became President, and a little later Mr. Roosevelt departed for Africa to hunt big game.



**171. Mr. Taft's Administration: The Republican Split.**

The salient outcome of Mr. Taft's administration was the outright breach in 1912 between the progressive and conservative wings of the Republican party, a process which threw Mr. Taft himself into the conservative wing. Though heartily approving in the main the results of his predecessor's administration, and desirous of carrying them forward, Mr. Taft, both from temperament and training, was the judge rather than the advocate. He was thus inclined to deliberation in making up his mind, was prejudiced in favor of established methods of procedure, and especially regardful of long-standing constitutional principles. The dashing habit of Mr. Roosevelt was alien to his nature, and indeed he looked upon the extremer tendencies of "the progressive movement," and especially its tendency in the States to supersede representative government with direct government, with deep distrust. Almost inevitably, therefore, he was brought into clash first with the progressive elements of his own party at Washington, and finally with the widely ramified organization of the progressive cause in the States.

Moreover, Mr. Taft confronted at the outset a task sure to tax, in the case of a Republican President, all the resources of leadership, namely, revision of the tariff. Mr. Roosevelt, in the interest of party harmony, had cannily side-stepped this business for years; but by 1908 the enormities of the Dingley Act had become so obvious that the Republican platform of that year definitely promised "revision of the tariff" at a special session of Congress to follow the inauguration of the new President, while it was left to be assumed that "revision" meant revision downward.

The sixty-first Congress convened in special session

Mr. Taft  
and the  
Republican  
party.

The  
question  
of tariff  
revision.

the middle of March, 1909, and within less than a month the House of Representatives passed a measure which, though disappointing in important respects, would have meant a real reduction of existing rates. But as usual, the Senate had still to be reckoned with, and here Aldrich, the chief hierophant of high protectionism, was in control. The extended debate gradually segregated a group of Republicans from Western States, Cummins and Dolliver of Iowa, LaFollette of Wisconsin, Beveridge of Indiana, and others, who finally declared outright war on the pending measure.

The Payne-Aldrich Tariff became law early in August, with Mr. Taft's approval. Though it was not a revision downward in any sense, still it had certain redeeming features: it established partial free trade with the Philippines; it set up a Court of Customs Appeals; and it provided a corporation tax. Also, it was accompanied by a resolution submitting to the States the existing Sixteenth Amendment to the Constitution, which enables the National Government to-day to tax incomes "from whatever source derived" without regard to State lines. These provisions, one and all, were due to Mr. Taft's own intervention with the Republican leaders in Congress; but that fact only sharpened disappointment with the total result, since it seemed to prove that, had the President exerted himself more, he could have obtained more; and disappointment became exasperation when, in a speech which he made at Winona, Minnesota, in September, Mr. Taft defended the new tariff as "the best the country had ever had." This utterance was interpreted by the "insurgent" Senators, as they were now called, as an effort to read them out of the party, and was widely resented.

The breach thus started widened rapidly. Ballinger,

the Secretary of the Interior, a Seattle attorney, had been the counsel of certain interests in filing the so-called "Cunningham claims" to certain coal lands in Alaska; and it was now asserted that he intended using the powers of his office to obtain the patenting of these claims.

The  
Pinchot-  
Ballinger  
controversy.

The resultant controversy led first to the removal of Pinchot as Chief Forester and finally to Ballinger's own resignation, though not until feeling between the Administration and Pinchot's backers, who were generally of "insurgent" complexion, had been much exacerbated. Still later the "insurgent" Senators joined the Democrats to unseat one Lorimer, whose election to the Senate from Illinois had been accompanied by gross frauds; and so additional bad blood was created between the Republican factions.

Meanwhile the "insurgent" movement had spread to the House, where it took the form of an assault upon the swollen powers of the Speaker. By virtue of his domination of the Rules Committee, his power of "recognition," and his power of appointing all the committees of the House, a vast source of patronage, the Speaker had become at this date, next to the President, the most influential member of the government. A combination of Democrats and "insurgent"

Reduction  
of the power  
of the  
Speaker.

Republicans succeeded in March, 1910, in doubling the size of the Rules Committee, but failed to unseat Speaker Cannon. Next year, the Democrats, now in possession of the House, effected a further reduction of the Speakership by transferring the power of appointing the standing committees to the Ways and Means Committee, subject to ratification by the House. Thus the concentration of power in the Speaker's hands, which had

begun under Speaker Reed twenty years before, was at last reversed.

### 172. Legislative and Administrative Achievements.

Notwithstanding the division of counsel in the Republican ranks and the consequent loss of the House in mid-term, Mr. Taft's Presidency was one of substantial achievement both in the field of legislation and in

**Trust prosecutions.** that of administration. The vigorous prosecution of trusts under the Sherman Act,

which had been commenced by Mr. Roosevelt, was continued, with the result that in 1911 the Supreme Court ordered the dissolution of the Standard Oil and Tobacco Trusts. Of more positive serviceability was Mr. Taft's friendliness toward the idea of settling industrial disputes by methods of conciliation and

**The Erdman Act.** compromise. Under the Erdman Act, which provided machinery for this purpose

in the case of disputes involving employees of interstate railways, many disputes were adjusted, the most important of which was a wage dispute between the Brotherhood of Locomotive Engineers and fifty-two Eastern railroads, in 1912. Another reform which also had Mr. Taft's enlightened backing was that of the Civil Service. An order issued by him late in 1909 put inferior diplomatic appointments and promotions on the basis of merit for the first time. Three years

**Extension of Civil Service reform.** later another order brought all fourth-class postmasters within the classified service.

Already, early in 1912, the posts of more than 40,000 rural mail carriers had been similarly disposed of. The policy of these orders was completed when, in March, 1917, President Wilson extended the

competitive system to postmasters of the first, second and third classes, in the case of new appointments.

The chief legislative achievement of the Taft Administration was the Mann-Elkins Act of 1910, further amending the Interstate Commerce Act.

The Interstate Commerce Commission strengthened by the Mann-Elkins Act.

By its terms the jurisdiction of the Interstate Commerce Commission was extended to telegraph, telephone, and cable companies doing foreign and interstate business; the Commission was authorized to set reasonable maximum rates on its own initiative; also, to suspend, pending investigation, changes in rates proposed by the carriers themselves; finally, an appeal was to lie from the Commission's orders to a Commerce Court, which was to consist of five judges and was to sit at Washington. Unfortunately, this experiment of a special tribunal to handle appeals from the Commission was hopelessly prejudiced from the outset by the character of the original appointees, most of whom were reactionary, while one, who was later impeached and convicted, was corrupt. At the beginning of President Wilson's administration the Commerce Court was abolished.

The most important enlargement which the powers of the Interstate Commerce Commission have undergone in recent years, has been at the hands not of Congress but of the Supreme Court. In the Shreveport Case, decided in 1915, the Court ruled that the Commission, had the right to order local rates, though set by a State Commission, to be brought into harmony with the interstate rates of the same carriers, where the discrepancy between the two had resulted in discrimination against localities outside the State. The decision is based on the right of Congress to make its regulations of com-

By decisions of the Supreme Court.

merce among the States effective and to protect and promote such commerce. Long before this the Supreme Court had ruled repeatedly that it was not entitled to interfere with orders of the Commission unless they were clearly in excess of power or palpably arbitrary.

Other legislation of the period may be disposed of more briefly. In 1910 a postal savings bank was added to the United States Post Office, and two years later a parcels-post, though it was not until President Wilson's

administration that the full value of the latter institution, which was naturally regarded by the great express companies with bitter hostility, was realized. A special

session of Congress in 1911 passed an act sanctioning a scheme for the reciprocal reduction of duties between the United States and Canada, which was opposed by Western "insurgent" Senators as unfair to agriculture. The final failure of the scheme, however, was due to

the suspicion of the Canadian electorate, which turned out of office the ministry sponsoring it. Two other measures also

tended to widen the breach in the Republican ranks. The first of these was the bill for the admission of Arizona, with a constitution which authorized the recall even in the case of judges. By wielding the veto Mr. Taft forced the temporary excision of this feature of the constitution. The other was the Webb-

Kenyon bill, forbidding the transportation of liquor for beverage purposes into prohibition States. Mr. Taft vetoed the measure on constitutional grounds, but it was promptly repassed over the veto, and was later sustained by the Supreme Court.

Meantime, in 1911, the Seventeenth Amendment to the Constitution, providing for the popular election of Senators, had been submitted to the States. It was proclaimed a part of the Constitution May 31, 1913.

Postal sav-  
ings bank  
and parcels-  
post.

Canadian  
reciprocity  
scheme.

Webb-  
Kenyon Act.

## 173. The Campaign of 1912.

Most of the interest of the Presidential campaign of 1912 proceeded from the contests for the nominations in the two major parties, and especially that which split the Republican party, and so made certain the success of the Democratic nominee. The central figure of this contest was Mr. Roosevelt, who had returned from Africa and a triumphal tour of Europe in 1910. He had gone abroad much worn by the exertions and irritations of office; he came back feeling very fit, and giving every evidence of a desire to take a hand in the game of politics once more. In the summer of 1910, in an address delivered at Ossawatimie, Kansas, he proclaimed the gospel of the "New Nationalism," that the National Government must take an ever increasing part in the work of social and industrial reform. Early in 1912 he made another notable address before the State Constitutional Convention then in progress in Ohio, in which he advocated the initiative, the referendum and the recall for all except judicial officers; for the recall of judges he proposed the popular review of their decisions interpreting the State constitutions, when these interposed obstacles to social reform.

And meantime the spokesmen of the Republican "insurgents" were filling his ears with their quarrel with Mr. Taft. Early in 1911 a National Republican Progressive League was organized in Washington by the insurgents at the home of Senator LaFollette, who thereupon became an avowed candidate for the Republican nomination in 1912. But a year later LaFollette suffered a serious breakdown and the insurgent leaders, most of whom had in fact preferred Roosevelt from the beginning, now began bringing increased pressure to bear upon him to discard his pledge of 1904 and seek

Mr. Roosevelt re-enters politics.

the nomination once more. Finally, early in February, seven Republican governors addressed him formally, urging him to declare himself, and some days later Roosevelt responded in characteristic phrase that his "hat was in the ring."

Meanwhile, however, Mr. Taft's friends had not been idle, but following the time-honored methods of Republican managers, had been pledging the delegates from the South, chiefly office-holders, for their candidate. In such of the Northern States, on the other hand, as had the Presidential primary, a vigorous contest was waged for delegates, in the course of which the President and ex-President assailed each other vigorously from the stump, with results decidedly favorable to the latter. Nevertheless, when the Republican convention assembled at Chicago, the middle of June, the Roosevelt cause was already hopeless. Of

Mr. Taft renominated. nearly 1,100 delegates the seats of more than 200 had been contested, and the National Committee, being in the hands of the "regulars," had assigned most of these to Taft. In the convention itself Roosevelt's followers set up the cry of "steam-roller" and "fraud," but unavailingly, for Mr. Taft was renominated by a comfortable margin.

Roosevelt's followers now proceeded to organize the Progressive party. The work was consummated at a convention held at the Coliseum in Chicago in the early days of August. The spirit of the occasion was described by sympathetic observers as "religious," by adversaries as "hysterical." Mr. Roosevelt was nominated by acclamation, on a platform which was based largely on the Ossawatimie speech.

A month earlier the Democrats, assembled in con-



vention at Baltimore, had nominated Mr. Woodrow Wilson, formerly president of Princeton University, but now governor of New Jersey, for President. Mr. Wilson's principal competitor was Speaker Clark, who at one stage in fact obtained a majority of the votes. Thanks, however, to the two-thirds rule, and to Mr. Bryan, who refused to support anyone supported by Tammany Hall or other representatives of the "favor-seeking, privilege-hunting class," the convention finally turned to Wilson.

The outstanding feature of the campaign was the vigorous up-hill fight waged by Roosevelt and the Progressives; but the result was foreordained. Wilson obtained little more than forty per cent of the popular vote, but the division of the normal Republican strength in the principal Northern and Western States gave the Democrats an overwhelming majority in the Electoral College. For the same reason they also captured the Senate and increased their majority in the House. On March 4, 1913, for the first time in twenty years, the Democratic party took complete control of the Government.

#### 174. Mr. Wilson's Political Philosophy and Methods.

As a teacher of government Mr. Wilson had given much thought to the purposes and processes of political action, while his skill as an essayist and orator had secured for him an audience reaching well beyond academic walls even before he had entered public life. Earlier a conservative of the school of Cleveland and Godkin, Mr. Wilson had latterly, and especially as Governor of New Jersey, shown himself heartily sympathetic with the liberal tendencies of the hour. In a volume entitled *The New Freedom*, which included the matter of his principal

speeches in 1912, he endeavored to bridge the gap between his earlier and his later views by restating the underlying precepts of Jeffersonian Democracy in light of present-day conditions and problems. Government in the United States, he argued, was confronted with the urgent task of restoring competition in order to prevent the consummation of industrial oligarchy. America was still the land of opportunity for the average individual could all artificial obstacles to free competition be eliminated, all special favors from government discontinued; and in its store of individual initiative still lay America's greatest source of power and prosperity.

Moral fervor and political address mingle on easy terms in the Scotch-Irish nature, and Mr. Wilson showed himself a true son of his race in this respect when he made Mr. Bryan his Secretary of State. Mr. Bryan's fitness for this post was a very qualified one, but his support was indispensable for the new administration's legislative program. By the same sign Mr. Wilson served notice that his attention was to be given to problems of domestic reform, and that he expected to assume the rôle of leadership

Mr. Wilson's skill as a political leader.

for which Mr. Roosevelt had already recast the Presidency. Nor is this to imply that Mr. Wilson here followed in the wake of his predecessor's conviction, for he had himself avowed years since the greatest admiration for the British system, in which the executive guides the legislative; while at the moment he hit upon a method of bringing his conception of the Presidency before the people which had escaped even Mr. Roosevelt's infinite talent for dramatic effect, by reviving the practice of Washington and the elder Adams of delivering important communications to Congress in person and by word of

mouth. Finally, it was Mr. Wilson's good fortune to possess in his party an instrument pliable to his purposes. This was due partly to his easy superiority over the rank and file of a party which had been long out of power and so had developed no conspicuous leaders, and partly to that party's own consciousness that it was still but a minority of the nation. Indeed, of the latter fact Mr. Wilson did not hesitate to remind his followers on occasion, leaving them to deduce that the only alternative to division and defeat was loyalty to his leadership.

#### 175. Tariff, Finance, Trusts.

In response to the new President's summons, Congress met in special session on April 7th to undertake a revision of the tariff. The central thought of Mr. Wilson's message of the following day was the abolition of "everything which bears even the semblance of privilege or of any kind of artificial advantage." The new measure, which was called the "Underwood bill" after the chairman of the Ways and Means Committee, passed the House a month later with little change from its original form. In the Senate, however, where the Democrats had a margin of only six votes, the progress of the measure was much slower, with the result that ultimately Mr. Wilson issued a statement to the country, denouncing the "extraordinary exertions" of an "insidious and numerous lobby"; and early in October the bill became law. In all essentials it met the demand of the country for a revision downward; the duties on over 900 articles, including sugar and other important necessities, were reduced, while raw wool, iron ore, steel rails, and rough lumber were put on the free list; trade with the Philip-

The  
Underwood  
Tariff

pires was made absolutely free; a moderately progressive income tax was enacted.

And meantime, the session had entered upon an even more important work. During the panic of 1907 Congress had passed an emergency currency and banking law, called the Aldrich-Vreeland Act, which was now about to lapse. In view of this fact, the President,

**The Federal Reserve Act.** on June 23rd, again came before Congress to urge the passage of a new law of a permanent nature. The way to such an enact-

ment had been paved to some extent by the investigations and report of the National Monetary Commission, which had been created by Congress during the Taft administration, but the difficulties which had to be surmounted before a measure reasonably acceptable to the country could be framed and put through Congress were still very great. The central issue was whether the new mechanism should be subject in the last resort to public or private control. The President insisted that it should be the former, and by the Glass-Owen Federal Reserve Act, which finally became law on December 23rd, this view prevailed.

More in detail, the act organizes all the national banks of the country and such State banks as care to

**Principal feature of the act.** come under the system, into twelve reserve banks, under the control of a Federal Reserve Board, consisting of the Secretary of the

Treasury, the Secretary of Agriculture, the Comptroller of the Currency, and four other members appointed by the President and Senate. The Board is empowered to authorize the issue by the member banks of "federal reserve notes" against commercial paper, and also to order the transfer of funds from one bank to another. Thus a circulating medium responsive to the business needs of the different parts

of the country was called into existence, while the total monetary resources of the country were rendered available to check a panic in any particular region. No more important measure has been enrolled on the statute book in many years, and credit for its expeditious enactment must be awarded to Mr. Wilson's leadership.

Other legislative achievements of the Wilson administration may be catalogued more briefly. The Federal Trade Commission Act, which became law in September, 1913, created a body of five members with power to investigate the organization and management of corporations engaged in interstate commerce, and to enforce regulations against unfair methods of competition. The Clayton Act, passed a year later, forbade in detail certain corporate practices which had been previously condemned by the courts, and also prohibited interlocking directorates of banks, common carriers, and other corporations. Furthermore, the act, declaring that "the labor of a human being is not a commodity," exempts all labor and agricultural organizations "not conducted for profit" from the provisions of the Federal Anti-trust acts, and forbids the issuance of injunctions in connection with disputes between employers and employees to prohibit anything "which might lawfully be done in absence of such dispute." Finally, to the Sixty-third Congress belongs also the credit for the Newlands Act, which provided for a Board of Mediation and Conciliation with power to intervene in all controversies between interstate carriers and their employees. It has proved a distinct success.

#### 176. Further Legislative Achievement.

In the summer of 1914 the European War broke out, and the controversies with which our Government

Legislation  
of the  
Sixty-fourth  
Congress.

soon became involved with both belligerents, added as they were to the equally perplexing issues growing out of civil war in Mexico, forced President Wilson to turn from domestic to foreign problems. Nevertheless, the Sixty-fourth Congress, which was also Democratic, was by no means a barren Congress, and especially did the year 1916 witness some notable legislation. To this year belongs a Workmen's Compensation Act for the benefit of the civil employees of the National Government; also the Federal Farm Loan Act, which authorizes a special system of banks with power to lend money on advantageous terms to farmers; also the Child Labor Act. The Child Labor Act to exclude from interstate commerce the products of mines and factories employing young persons under other than stated conditions. The last named act, however, was presently set aside by the Supreme Court on the ground that since the products of child labor are in themselves harmless, and their transportation from one State to another does not, therefore, lead directly to injury, the act was not a rightful regulation of commerce but an effort by Congress to usurp the power which belongs to the States over conditions of employment and production within their own boundaries.

It is also to the year 1916 that the Adamson Act, growing out of demands by the four Railroad Brotherhoods for an increase of wages, belongs. The threat by which this demand came presently to be supported, to tie up the transportation of the country by a nation-wide strike, was exceedingly well-timed, since not only was the crop-moving season at hand, but what was more to the point, a Presidential campaign was under way. Late in August Mr. Wilson suddenly announced that he was convinced of the justice of the principal demands made by the Brother-

The Adam-  
son Act.

hoods, and at his behest Congress, no considerable element in which cared to defy labor at this juncture, precipitately enacted that for the ten months following January 1, 1917, the employees covered by the act should receive for an eight hour day the wage they had been receiving for a ten hour day and *pro rata* for additional service; in the meantime an investigation was to be made looking to further legislation. Though the act, especially because of the circumstances attending its enactment, gave a distinct shock to public opinion, its validity was presently asserted, in a test case, by the Supreme Court. The announced ground of the decision lends distinct support to the proposition that Congress may make compulsory the arbitration of all disputes between railroads and their employees.

Early in 1917 Congress passed over the President's veto a law excluding, with certain exceptions, all The literacy test. aliens unable to read. On account of the war the real effect of the measure has not yet become clear.

### 177. Mexico and "Watchful Waiting."

Mr. Wilson's policy in the field of domestic legislation was practical rather than creative, his method that of the parliamentary rather than the popular leader, broadly speaking. Through his own party in Congress he sought and achieved the embodiment in legislation of the matured verdicts of the best opinion of the country regarding certain well recognized problems. When, however, he turned to the question of our relations with Mexico he sought to model a new policy along the general lines of *The New Freedom*. Application of "The New Freedom" to Mexico. Toward the lesser Caribbean countries, as we have seen, he ratified and carried forward Mr.

Roosevelt's system of domination in the name of the Monroe Doctrine. But in his dealings with Mexico he endeavored to bring American opinion to the acceptance of the idea that the Mexicans were capable, if left to themselves, of developing orderly government on democratic principles, and that their failure to do so hitherto had been owing in great measure to the same unholy union of financial power and political corruption that we ourselves had been fighting. It followed that the least the United States could do in a period during which the people of Mexico were endeavoring to throw off this control, was to pursue a policy of "hands off."

For many years Mexico, which had previously been the scene of constant revolution, was kept in order by the stern rule of Porfirio Diaz. The price of order, however, was the handing over of much of the country to foreign concessionaries and the reduction of the bulk of the population to a condition of peonage. Early in 1911 Diaz, who had just been elected President for the eighth time, was overturned by a revolutionary movement headed by Francisco Madero, a man of wealth, some education and democratic views.

Madero's program of reform naturally aroused powerful enemies, and the man himself was speedily revealed as deluded and incompetent. Within less than two years the new régime was upset by a fresh revolution in which Madero's own commander-in-chief, Victoriano Huerta, was complicitous. On February 18, 1913, Huerta proclaimed himself "Provisional President" and five days later Madero was murdered. Though other governments speedily recognized Huerta's as the *de facto* government of Mexico, President Wilson refused to do so on



account of the violence and treachery which had marked its establishment. Nor indeed was Huerta's title to power unchallenged in Mexico itself. Almost from the first the remnants of the Maderist party, calling themselves "Constitutionalists," gathered about the standard of Venustiano Carranza, the governor of Coahuila, who, carefully avoiding military designations, called himself "First Chief." In the late summer of 1913 Wilson despatched a personal agent, Mr. John Lind, to Mexico City, with proposals looking to an armistice and an early presidential election from which Huerta should efface himself. Though pressed for funds, since the non-recognition of the United States made borrowing difficult, Huerta rejected Lind's terms with emphasis. Meantime the lot of foreigners, and especially of Americans, in Mexico, was becoming one of great peril, both to life and property, and talk of American intervention was spreading in the United States.

In his December message President Wilson defended a policy of "watchful waiting" toward Mexican affairs, and a few weeks later in a speech at Indianapolis asserted the right of Mexicans to shed their blood for the sake of liberty without interference from without. A decisive turn in Huerta's fortunes came in April, in consequence of the arrest by Huertista officials of some American sailors at Tampico. The sailors were soon released and Huerta expressed regret at the occurrence, but when the American commander, Admiral Mayo, demanded that the offense be further expiated by a formal salute of the American flag, the Mexican balked.

The Vera  
Cruz  
episode.

The President now, on April 21st, ordered the seizure of Vera Cruz, which was accomplished with some loss of life. The next day Congress adopted resolutions sustaining the President's course, and General Funston was ordered to

Vera Cruz with six thousand troops. War seemed inevitable when, on April 25th, representatives of Argentina, Brazil, and Chile, the "A B C Powers," tendered an offer of mediation, which the Washington government at once accepted. Illogical as the whole Vera Cruz episode was, it undoubtedly contributed to Huerta's downfall three months later. It also persuaded Latin America that the President was sincere when he declared that the United States did not desire to conquer Mexico. On the other hand, it suggested to Carranza, who now became the leading figure in the country, the governing motive of a policy of systematic defiance of the United States.

Though Carranza entered Mexico City in August, 1914, his doing so was the signal for new revolutions, the principal of which was headed by a former follower, a bandit named Villa. Throughout the ensuing year the entire northern part of Mexico was ravaged by warring bands, and Mexico City itself changed hands repeatedly. But by the autumn of 1915, Carranza was again clearly in the ascendancy, with the result that in October the United States and several Latin-American governments formally recognized his as the *de facto* government of Mexico. At the same time the embargo on shipments of arms into that country was restored, and Carranza was accorded permission to send troops through American territory to facilitate his operations against the Villistas.

Villa, in revenge, now set about to precipitate a war between the United States and Mexico, and with this object in view descended, on the night of March 9, 1916, upon the town of Columbus, New Mexico, slaughtering seventeen Americans and wounding others, though not without losses of his own. The President, with the grudging

Carranza  
recognized  
as *de facto*  
government.

Border raids  
and puni-  
tive expedi-  
tions.

consent of Carranza, at once ordered a punitive expedition into Mexico, under the command of Brigadier-General Pershing. Pershing penetrated four hundred miles with six thousand men, but was able to accomplish little in a hostile, desert country, abounding in mountains, in which the bandits found escape easy. He was not finally withdrawn, however, till early in 1917. Meantime, other raids in Texas had led to a second punitive expedition, which was equally resultless, and finally to the ordering of nearly the entire National Guard to the Mexican border.

Early in February, 1917, a new constitution was promulgated for Mexico, under which, the following May, Carranza became President; and meantime, the two countries had exchanged ambassadors. The promise of better relations was, however, soon disappointed. The United States was now at war with Germany, and Carranza, who had earlier suggested neutral mediation in the European conflict, was pronouncedly pro-German. In February and again in July, 1918, in the guise of carrying out Article XXVII of the new constitution, he issued decrees of a highly confiscatory character which, had their enforcement not been arrested by American and British protests, would have cut off oil supplies essential to the British fleet.

How is Mr. Wilson's Mexican policy to be assessed? That it erred in its fundamental assumption seems clear. On the other hand, it fended off an intervention on our part in Mexico that would have hampered us terribly, perhaps fatally, in doing our part in the World War; and it reassured the nations to the south of our good faith in our relations to them, a fact made signally evident when many of them followed us in 1917 in breaking with the German Imperial Government. At

Carranza's  
pro-  
Germanism.

least, as an unplanned contribution to the defeat of Germany the policy of "watchful waiting" was a distinct success.

## CHAPTER XVI.

## THE UNITED STATES AND THE WORLD WAR.

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## 179. American Attitude Toward the European War.

The outbreak of the European War in August, 1914, was regarded by most Americans with incredulous amazement; at least, it was argued, hostilities on so vast a scale could not be prolonged. This belief suggested the further idea that the United States would

Outbreak of the Euro-  
pean War. be presently solicited by the belligerent parties to assist them to a common ground of peace. At the successive declarations of hostilities by the warring states, the President issued in due course the customary proclamations of official neutrality; and these he followed up, on August 18th, with a personal appeal for impartiality "in thought as well as in action" on the part of all citizens. America must suspend judgment as to the merits of a quarrel which she might soon be asked to compose.

Varieties of  
American  
opinion. But with the collapse early in September of von Kluck's movement upon Paris, the theory of a short war began to lose its plausibility. Both sides to the great struggle had already begun to manifest a lively appreciation of the importance of putting their respective causes in a favorable light before the American public. For the most part, though, the propagandist efforts of advocates were either futile or gratuitous, and the divergent attitudes toward the war which soon began to reveal themselves in the United States were the rather direct outcome of national origins, of social affiliations, or of American habit in the field of international politics. In certain large centers of German-Americans, like Chicago, Brooklyn, Milwaukee, Cincinnati, St. Louis, sympathy for Germany was strong, but elsewhere, generally speaking, the pro-Germans were a negligible element. Quite otherwise was it with those who favored the cause of the Entente Allies. Rejoicing in Roosevelt as its most vociferous spokesman, this section was at first more formidable for social standing and ability than for numbers; but as American disgust with German methods of warfare increased, the preachment that "the Allies are fighting our battles" found wider and wider audience. Nevertheless, till the very moment

of our entry into the War, the prevailing American attitude was one determined in part by our traditional aloofness from European politics, in part by a more recent pacifism. To innocent victims of this great calamity like Belgium we owed a helping hand; furthermore, the United States had always been jealous of the prerogatives of its neutral position; but above all, the conflagration of war must be kept from spreading to this side of the Atlantic.

President Wilson early found himself in a perplexing dilemma. On the one hand, he had himself voiced the country's lack of concern with the causes and issues of the war; on the other hand, he had at the outset committed his Administration to the assertion of American rights as measured by the existing rules of international law. The outcome was a policy which frequently incurred the danger of war but failed to win popular approval of preparation for it. But the time arrived when this country had to choose definitely whether to abandon its rights or its neutrality. Then at last the President essayed the task of remoulding opinion regarding the war, by bringing forward the program of joining forces with the Entente Allies in order to seize for ourselves the opportunity to reshape the relations of nations in a way to end all war.

President  
Wilson's  
course.

#### 180. The Question of Neutral Rights on the High Seas.

The entry finally of the United States into the war on the side of the Entente Allies was immediately due, however, to a somewhat accidental circumstance, namely, British control of the surface of the sea. Very early in the war Germany's surface fleet was imprisoned in the Baltic by the British navy, or such units of it as were at large were sunk, while German commerce

was swept from the ocean. For the moment the latter development spelled real loss to the United States, but as it was in strict accordance with well recognized rules of international law, we had no grievance. Furthermore, the loss was but temporary. For early in 1915 representatives of the Entente governments began placing orders of unparalleled dimensions with American firms, both for foodstuffs and for all sorts of military equipment. On the basis of these orders American industry was to a considerable extent transformed; and by the end of 1916 the annual balance of our exports over our imports had become nearly three billions, or ten times what it had been two years previous. In short, American commercial prosperity had become linked with the cause of the Allies.

But already it had become evident that Germany was not going to allow the vast industrial resources of the United States to be thus put at the disposal of her enemies if she could help it; while, on the other hand, it was by no means clear at the outset that this country might not supply Germany herself with much-needed foodstuffs and cotton, notwithstanding British sea-power. The American vessels available for any line of trade with Europe were comparatively few, but there were millions of neutral tonnage ready to transport American supplies to any accessible market; and the existing rules of international law protected trade in provisions and "articles of double use" through neutral ports, several of which, like Rotterdam, afforded an easy gateway to Germany. So now began a species of three-cornered struggle, involving the United States, Great Britain, and Germany as the protagonists. The United States was determined to uphold the rights of its citizens on the

Develop-  
ment of the  
munitions  
trade with  
the Entente.

The conflict  
of interests.



high seas, if it could do so without going to war. Great Britain and Germany were determined to injure each other as much as possible, and were not primarily concerned how their measures affected the interests of third parties. But the more effective weapon was in the hands of Great Britain, or more accurately, the weapon which could be used effectively with the less serious infraction of the rules of international law.

At the beginning of the war our Government suggested to the belligerent parties that they should agree to govern their naval operations by the Declaration of London, which had been proposed by a conference of the principal naval powers in 1908-1909, and was very favorable to neutral interests. Germany professed willingness, but Great Britain stipulated conditions, and so the proposal fell through.

German  
protest  
against the  
munitions  
trade.

Later, Germany's spokesmen advanced the contention, to which they afterward recurred from time to time, that the United States was under obligation as a neutral to stop the growing trade in munitions of war between its citizens and the Entente governments. Our State Department answered justly that such trade was clearly permissible under the rules of international law and that the subjects of Germany had often prosecuted it in wars as to which Germany herself was a neutral; and that for the United States to alter its habitual practice in this respect in the midst of the war in progress without good reason would be an act of positive unneutrality toward the Entente. Furthermore, it was pointed out that the United States, being ordinarily unprepared for war, could ill afford to create a precedent which might later frustrate it in meeting an emergency, and which, at any rate, would put an obvious premium on war preparedness.

●

From discussions of its duties as a neutral, the United States was summoned sharply, by developments early in 1915, to the defence of its rights. On February 4th of this year, following various experiments with the

Germany  
begins sub-  
marine  
warfare.

submarine in attacking British warships, the German Imperial Government declared the waters surrounding Great Britain and Ireland, including the entire English Channel, to be comprised within the seat of war, within which, from the ensuing February 18th, enemy merchantmen would be sunk without notice. Neutral powers were accordingly warned not to entrust their citizens or property to such vessels and were further urged to keep vessels flying their own flags from the "war zone" thus created. Then on March 1st the British Government informed our government that

Great  
Britain  
replies with  
an embargo.

in view of the persistent violations of international law by Germany, it and the French Government would "hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin," and ten days later an Order in Council put this program into effect by proclaiming a general embargo upon all neutral sea-borne trade with Germany.

Both the belligerent policies thus laid down were challenged in due course by our State Department as violative of our rights as neutrals, as unquestionably they were. England at first defended her embargo as a measure of retaliation against Germany; but the

The British  
embargo  
under inter-  
national law.

answer to that was that she had no right while punishing Germany to punish innocent third parties. Later the British Foreign Secretary, Sir Edward Grey, sought to justify the embargo as an exercise of the belligerent

right of blockade; but, as our State Department pointed out, whereas a legal blockade is strictly confined to enemy ports, the embargo intercepted all trade both to and from Germany, even that through neutral ports. A third argument was, however, better grounded. It consisted in pointing out that the circumstances of the war had made such things as provisions and raw cotton, in other words, the things in which those wishing to trade with Germany were most interested, contraband of war, even when consigned to the civilian population of a belligerent, and that this was especially so in the case of Germany, where for the time being military authority dominated the whole life of the people. But if this was so, then England was well-warranted by international law in intercepting such shipments to Germany. Furthermore, a belligerent has the right to visit and search any vessel on the high seas to ascertain whether it is carrying contraband; and since the submarines made dangerous the exercise of this right on the high seas themselves, it was perhaps not unfair for England to claim the additional right of bringing all suspected vessels into port for search.

But if the British position involved a considerable curtailment of neutral rights, far more so did the German position, and rights of a different and higher order. By the rules of international law a belligerent has the right to destroy the merchant vessels of its enemy in cases of "necessity," but only after visiting them to make certain their enemy character, and after putting the persons on board in a place of safety, neither of which preliminaries, however, a submarine could carry out without exposing itself to almost certain destruction. Thus the intrinsic limitations of the submarine forbade from the first the idea of its use as a commerce destroyer,

German  
submarine  
warfare and  
international  
law.

unless Germany stood ready to destroy the lives of neutrals who travelled on enemy merchantmen, and frequently the lives of those who travelled on neutral merchantmen as well. In other words, while the menace held out by the British embargo was, at worst, seizure of American property on the high seas and its detention in British waters, that held out by German submarine warfare was the outright destruction, without an instant's warning, of American lives as well as of American property on the high seas. Nor need it be claimed that this difference was due to anything more than the accident of England's control of the surface of the seas, while the submarine had to grope under water. The difference at any rate existed; and it was presently dramatized in an unforgettable manner.

#### 181. German Submarine Warfare.

Following some minor sinkings, one of which was of an American vessel, the *Gulflight*, the great Cunard liner *Lusitania*, on voyage from New York was sunk off Old Head of Kinsale, England at 2 P.M., May 7, 1915. The attack was entirely without warning, and the vessel went down in twenty-one minutes, bearing with it 1154 persons, of whom 114 were American citizens: Six days before the German Embassy at Washington had inserted a mysteriously worded warning in some of the New York newspapers which attested the entire deliberateness of the later act. Nor indeed did the German Government seek to disown its responsibility to any degree. Instead, it contended that the *Lusitania* was "of course" armed and that it was carrying munitions "destined for the destruction of brave German soldiers." The first assertion, which was bolstered by perjured testimony procured by German agents, was

The  
*Lusitania*  
outrage.

soon proved false in court, and the second, while resting on a slight basis of fact, was irrelevant, certainly so far as Germany's own responsibility was concerned.

The sinking of the *Lusitania* confronted President Wilson with a situation not unlike that which faced President Lincoln when Fort Sumter was fired upon, but with the important difference that, whereas the issues between the States were fairly clear in the mind of the people in 1861, the nature of the struggle going on in Europe was by no means clear to Americans in May, 1915, nor for many months afterward. For this reason, and also because he had not yet abandoned hope of mediating between the belligerents, the President at no time confronted Germany with an ultimatum regarding the *Lusitania* outrage. In the first of three notes, dated May 13th, our Government advanced the sound contention that it was impossible to conduct submarine warfare against commerce conformably with international law. The effect of the note was spoiled, however, by the interpretation put by the Austrian Ambassador upon a conversation he had had with Secretary of State Bryan and also by a speech of the President at Philadelphia, in which he asserted that there was "such a thing as a nation being too proud to fight." A second note, dated June 9th, contended for the "rights of humanity," and led to the resignation of Mr. Bryan, who feared that war was meant. The last of the series, despatched July 21st, abandoned the contention of the first note respecting the inherent limitations of the submarine as a commerce destroyer, but gave definite warning that the "repetition" of certain acts "must be regarded by the Government of the United States, when they affect American citizens, as deliberately unfriendly."

The  
*Lusitania*  
notes.

A month later occurred the sinking of the *Arabic*, near the spot of the *Lusitania* tragedy. In ostensible response to the note of July 21st, Ambassador Bernstorff now gave a pledge that "liners"—not merchantmen in general—would not be sunk by German submarines "without warning and without safety of the lives of non-combatants," provided the liners did not attempt escape or resistance. Notwithstanding, ensuing months witnessed several exasperating "accidents," particularly in the Mediterranean, the responsibility for the worst of which, the sinking of the *Ancona* and the shelling of her small boats, was finally put upon Austria.

#### 182. The Sussex Pledge: German Spies.

And so matters stood when, at the beginning of 1916, the President, reversing earlier opinions, made a speaking tour to urge military preparation. "Not a day was to be lost," he declared; but the public proved so indifferent that on his return to Washington, he discarded plans which he had previously sanctioned, and when Secretary of War Garrison in consequence resigned, replaced him with a reputed pacifist, Mr. Newton D. Baker of Cleveland. Meantime Germany had announced that henceforth she would treat all enemy merchantmen armed in self-defence as war vessels subject to be sunk at sight, a step which led the State Department to suggest to the Entente that their merchantmen forego all defensive rights on condition that the German submarines exercise visit and search. Inasmuch as the plan made no provision for the safety of passengers and crews, it was rejected. During the same period several resolutions were introduced in Congress to warn Americans not to travel on armed

Growing  
perplexity  
of the Ad-  
ministration.

merchantmen, one of which, the McLemore Resolution, was finally tabled in the House only through the interposition of the President.

At this hour of cross purposes and divided counsels occurred the sinking of the English Channel steamer *Sussex*, (March 24, 1916). The culprit submarine endeavored to escape detection by immediately submerging, but fragments of the torpedo were recovered which soon established its German identity. On April 18th Secretary of State Lansing despatched a note to Berlin which declared that "unless the Imperial Government shall now immediately declare and effect an abandonment of its present methods of submarine warfare against passenger and freight carrying vessels, the Government of the United States can have no choice but to sever diplomatic relations with the German Empire altogether." Confronted with this plain ultimatum, the Imperial Government, on May 24th, gave assurance that German naval forces had been ordered not to sink "merchant vessels," whether within or without the "war zone," "without warning and without saving human lives, unless these ships attempt to escape or offer resistance." Unfortunately, this assurance was accompanied by the condition that the United States must force Great Britain "to observe forthwith" the recognized rules of international law, in default of which the Imperial Government would regard itself as possessed afresh of "complete liberty of decision." Secretary Lansing promptly demurred that the duty of German naval forces to respect the rights of American citizens on the high seas could not be made "contingent upon the conduct of any other government" toward those same rights, that "responsibility in such matters is single, not joint; absolute, not relative."

The *Sussex*  
ultimatum  
and pledge.

To this entirely sound reasoning the Imperial Government did not vouchsafe an answer, nor did our Government press for one.

Whatever its theoretical deficiencies, the *Sussex* "pledge" so-called produced a lull in submarine activities for nearly nine months, a period which was improved by Germany, as we now know, in building a fleet of larger submarines with which to resume at the opportune moment her "complete liberty of decision." And meantime, as earlier, other reasons for distrust of Germany were coming to the knowledge, if not always of the people, at any rate of the Government. The war had hardly begun when the country was overrun by a horde of German agents of various descriptions. The purposes of some of these men were probably honorable, but the vast majority of them were bent simply on making the country a base of operations for the most nefarious species of warfare against Germany's enemies, and especially the British Empire. In

Activities  
of German  
agents and  
spies.

April, 1916, the papers of one of these agents were seized in New York. They afforded proof of German official connection with plots hatched in this country for the destruction of lives and property on the high seas, the violation of the neutrality laws of the United States, the fomenting of revolution in Ireland and anti-American feeling in Mexico, the stirring-up of trouble in munitions factories, and other similar activities. Some months earlier, papers connecting Dr. Dumba, the Austro-Hungarian Ambassador, with plans for producing disturbances in steel and munitions factories had forced his recall. Earlier still, indictments were procured in San Francisco against ninety-eight persons for plotting against the peace of the United States in an endeavor to stir up revolution in India. Three of the defendants



were connected with the German consular service and pleaded guilty in order "to avoid further exposures." Indeed, the direct connection of the German Embassy with many of these schemes became so apparent that in December, 1915, two attachés, von Papen and Boy-Ed, were dismissed by our Government for "improper activities" in military and naval matters. How Ambassador Bernstorff escaped a like fate is still a mystery.

### 183. The Approach of War: War Declared.

The summer of 1916 witnessed a Presidential Campaign. Justice Charles E. Hughes of the Supreme Court, formerly Governor of New York, resigned from the bench in order to accept the Republican nomination, while the Democratic nominee was again Mr. Wilson. Mr. Hughes, in speeches made in the course of an extensive tour, promised a vigorous assertion of American rights against all comers, whether in Mexico or on the high seas, and criticized the Administration for its failure in "preparedness." Mr. Wilson's followers cited the *Sussex* pledge as proof of the success of his policy and raised the slogan, "He kept us out of war." In the midst of the campaign Ambassador Gerard made a visit home from Berlin, bringing with him the warning that the rulers of Germany would at some future date, "possibly in the autumn, or at any rate about February or March, 1917," renew ruthless submarine warfare. Early in October, a German submarine "U-53" suddenly appeared off the Atlantic coast and began ravages on British shipping. Though the vessel soon disappeared and its visit was not followed by that of any other like craft, the hint which it was meant to convey of what we might anticipate should we become involved

The Presidential campaign, 1916.

with Germany was plain. Notwithstanding all this, the slogan "he kept us out of war," aided by the fact that the reconciliation of the two wings of the Republican party was still imperfect, especially in some of the Western States, prevailed, though by so narrow a margin that the final result was not known for several days.

Whatever the state of mind of his supporters, however, Mr. Wilson himself was under no illusion as to the actual situation. On the eve of the election

The President attempts to mediate.

we find him pronouncing "the business of neutrality" over; and from the moment his re-election was assured he began endeavoring

to reshape American opinion of the war. This was obviously now approaching a crisis. An unparalleled expenditure of men and property on both sides throughout the years 1915 and 1916 had resulted in a stalemate. But in the autumn of 1916 the German armies were presented an opportunity for a brilliant success against Roumania, which had just entered the war on the side of the Entente. Seizing the occasion, the German Imperial Government on December 12th, following the capture of Bucharest, proposed through neutral nations a peace negotiation, but without specifying conditions. Six days later President Wilson despatched notes to all belligerents, asking them to state terms which they thought conducive to a permanent peace. He was led to take this step, Secretary Lansing explained, in a statement which was later partially disavowed, by appreciation of the fact that we ourselves were "drawing near the verge of war." Neither the German proposal nor the President's netted anything. The Entente would not consider peace except on a basis of "restitution, reparation, and effectual guarantees" by their foe; and Germany would negotiate only on the footing of admitted victor.

On January 22, 1917, President Wilson went before the Senate to address not only that body but the world at large, and especially the American people, in a final effort for peace. His message was based on the clear though unavowed recognition that if the war continued, the United States must soon become involved in it. This being the case, he stood ready to pledge the United States to abandon its previous attitude of aloofness toward European concerns and to associate itself in an organization to guarantee peace by "the major force of mankind." So this organization must be based on the principles of international justice, of the equality of states, and of the "freedom of the seas," and must foster disarmament; and the way into it from the war in progress must be paved by a "peace without victory" for either side.

So far as Europe was concerned the President might as well not have spoken, and nine days later the blow he had anticipated fell. At four o'clock on the afternoon of January 31st, Ambassador Bernstorff handed a note to Secretary Lansing informing our Government that on the following day Germany would begin "unrestricted submarine warfare," not only upon belligerent but upon neutral carriers as well, in the waters about Great Britain, off the French coast, and in a large part of the Mediterranean. Three days later the President announced to Congress that Bernstorff had been handed his passports and Ambassador Gerard summoned home; further developments were to await an "overt act" on Germany's part, putting her threat into execution. Though this was not long delayed, it was not until February 26th that the President again came before Congress and requested that body to approve the defensive arming of

"Peace  
without  
victory."

Germany  
begins un-  
restricted  
submarine  
warfare.

Armed  
neutrality

American merchantmen. The resolution asked for was opposed by a small number of Senators, headed by Stone of Missouri, Democratic Chairman of the Foreign Relations Committee, and so died with the session. On March 4th, eight days later, none the less, the President issued an order for the arming. Meanwhile, on March 1st, there was given out at Washington a despatch from Zimmermann, the German Foreign Minister, to the German Minister in Mexico, which, under date of January 19th, revealed Germany's intention to renew unrestricted submarine warfare, and proposed that in the event of failure to keep the United States neutral, Mexico, supported by Germany, should undertake to reconquer "the lost territory of New Mexico, Texas, and Arizona." It also suggested that possibly Japan might be induced to become a third member of the alliance.

The  
Zimmer-  
mann note.

Now ensued another delay which is difficult to explain unless Mr. Wilson still hoped that he might be called upon to mediate in Europe. But at last, on April 2nd, the President went before a joint session of the new 65th Congress, specially summoned for the purpose, and read a message recommending a declaration of war on Germany. His own conception of the war he defined in the light of his Senate address of January 22d. We were to fight not only to vindicate American rights, but "for a universal dominion of right by such a concert of free peoples as shall bring peace to all nations and make the world itself at last free."

A resolution was promptly introduced into both Houses, which, reciting that the Imperial German Government had "committed repeated acts of war against the Government and people of the United States," resolved that the state of war thus thrust upon the United States "is

Congress'  
declaration  
of war.

hereby formally declared." The resolution was passed by the Senate April 4th, and by the House two days later, in both instances by overwhelming votes.

#### 184. Preparation for War: Finance.

If two errors be allowed for, the task which our entry into the War threw upon the government was met, on the whole, successfully. The first of these errors was the failure to have taken any real steps in the way of military preparation in the face of what had long been regarded by the President himself as an imminent emergency. The Hay Act had indeed been passed (June 3, 1916), but the National Guard, upon which that measure placed its dependence, had soon demonstrated its unreliability along the Mexican border. The only real contribution toward military preparation had been made, not by the government at all, but by

The Hay  
Act; Platts-  
burg.

General Leonard Wood, who in the summer of 1915, organized a camp at Plattsburg, New York, for the training of students and business men with a view to their becoming officers in the event of war. The idea was turned to account after our entry into the war in the Officers Training Camps.

The other error was in preparing, once we set about the business, for too long a war. In some of the more important fields of equipment plans were actually made for a five years war. It is probable, however, that this miscalculation, as it turned out to be, was not

The  
"long war"  
theory.

originally the Administration's but that of its foreign advisers. For in late April and early May, 1917, several foreign missions came over to this country from the Entente governments to unfold their needs and to advise us in what ways we could best serve the common cause, and undoubtedly they were consulted on this vital point. But

whatever its source, the error in question put a strain on the nation's resources from which there was no proportionate return. Indeed, had the war continued for five years, or even for three, it is questionable whether the country could have sustained its effort on anything like the scale planned without going bankrupt.

Fortunately, in the Federal Reserve System, the mechanism for financing the war already existed; in this important respect at least the country was prepared. Two important questions remained, however: first, what proportion of the cost of the war should be *War finance*. met by loans and what by taxes; secondly, what kind of taxes should be resorted to? One school argued that the expense of the war should be met by those who drew profits from it, and this idea was adopted to an important degree in the scheme of income and excess profits taxation at progressive rates which was enacted in the War Revenue Act of 1918. On the other hand, the notorious difficulties in the way of collecting such taxes when levied at high rates, as well as the immediacy of the Government's need, forced a considerable reliance on loans, a policy which was also counselled by the desirability of encouraging thrift. At the extra session alone of the 65th Congress, extending from April to October, 1917, nearly nineteen billions of dollars were appropriated; and first and last, the war cost the Government some thirty-four billions, of which, however, ten billions were lent to our Associates. Of this sum one-third was raised by taxation and two-thirds by bond issues, the so-called "Liberty Loans," to the greatest of which, the fourth (October, 1918), twenty-two millions of people subscribed nearly seven billions of dollars.

**185. The Army and Its Equipment.**

In connection with raising the army the initial question also was that of method: were the new forces to be recruited by the old haphazard and wasteful system of volunteering which had been hitherto followed in all our wars, or by conscription. The example of Great Britain, the agitation over the question of preparedness before our entry into the war, and the influence of the President, who was opposed in the matter by many of his own party leaders, answered the question in favor of the preferable alternative. The Act of May 18, 1917, established a single class, consisting of men between the ages of twenty-one and thirty, from which the President was authorized to draft in two installments one million men. The country was divided into some forty-five hundred districts, and the enforcement of the draft was left largely in the hands of local boards proceeding under orders from the office of Provost-Marshal General Crowder. Early in June nearly ten million young Americans were registered, and by December 15th the army had been enlarged to nearly 1,200,000 men. The new recruits were sent to cantonments situated in well-chosen spots in different parts of the country, thirty-two in all, and each a small city called into existence almost over night.

It was originally the idea undoubtedly that our principal contribution to the war would take the form of money and supplies to our Associates, and that our military effort would be comparatively minor. The substantial withdrawal of Russia from the war, however, in the autumn of 1917, followed as it was by the preparations of the Germans for a great drive in the spring altered this program, with the result that further increases in the army were authorized by Congress in

Conscrip-  
tion; the Act  
of May 18,  
1917.

due course. Meantime, registrants who were still undrafted received from the Provost-Marshal General a questionnaire, upon their answers to which the local boards were instructed to assign them, according to their industrial importance or the nature of their family obligations, to one of five classes, so that henceforth the draft might be truly selective. Then, under the Act of August 31, 1918, a second registration took place of all those still unregistered between the ages of eighteen and forty-five, some thirteen millions in all.

The United States was at war with the Teutonic Powers 583 days. In that period the army was increased from 190 thousand to over four million men. Aside from the failure of the War Department to round up something like 170 thousand slackers, its record in raising this great force in so short a time is one for legitimate pride. The cost of inducting a man into the national service by the machinery of the draft was hardly a hundredth part of what it had become long before the end of the Civil War through volunteering. On the other hand, the bounties thus saved were returned to the drafted man several times over in liberal pay for himself—liberal certainly by all previous standards—and in careful provision for his dependents. By the Act of October 6, 1917, Congress in addition to providing an income for families of soldiers and sailors losing their lives in the line of duty and an allowance for the soldier or sailor himself in case of disability, also authorized an optional system of insurance to men in service against the risks of war. The maximum policy thus offered was to be ten thousand dollars; and by November, 1918, the Government had written over thirty-six billions of such insurance, an amount said to equal all

Safeguard-  
ing the  
soldiers'  
interests.



that in force in all the companies and fraternal associations in the United States. By another act (March 8, 1918) all pecuniary claims against soldiers and sailors were suspended during their term of service. Nor should the Red Cross, the Y. M. C. A., the Knights of Columbus, Salvation Army, and other similar organizations, all of which were supported by voluntary contributions, be forgotten in this connection. Their generally brave and efficient service brought comfort and diversion to ailing, homesick, and wounded soldiers, both in camp and on the firing line.

A somewhat different story is that of the equipment of the army. At one end of the process was a market already overtaxed by the demands of the Entente governments, at the other end the War Department organized to serve the needs of a force of less than two hundred thousand men. Early in 1918 the Democratic Chairman of the Senate Committee on Military Affairs declared that "the military establishment of America has fallen down." The charge, though denied by the President, led eventually to the reorganization of the War Department under the sweeping authority conferred on the President by the Overman Act of May 18th, to effect a "redistribution of functions among executive agencies." Meantime, the initial difficulties of supply had been largely overcome, and the army was receiving adequate food, clothing, blankets, and small arms. To the end, however, our army in France was largely dependent upon our Associates for machine guns and almost entirely so for artillery. This was due partly to the desire of our Associates, who in 1918 were clamoring for men, and partly to the theory of a long war, which at the outset seemed to make preferable the development of improved models rather than recourse to those already available.

Difficulties  
in equipping  
the army.

186. *Airplanes and Ships.*

A special chapter of the story of equipment, and by far the least satisfactory one, is that on aviation. The United States trained, and sent to France for further training, large numbers of air-fighters, and many of these men distinguished themselves; but again, as in the case of artillery, the work of supply fell to our Associates. Congress appropriated, first and last,

Promise vs.  
performance  
in airplane  
construction.

something like a billion dollars for the air service, and eventually something like twelve thousand airplanes and thirty-one thousand engines for planes were delivered. But the vast proportion of the planes were merely for training purposes, and very few were combat planes. Again the theory of a long war obtruded itself, leading to the effort to produce an all-round service engine instead of using types at hand. Eventually the perfection of the "Liberty Motor" was announced, but in fact its production in quantity was still blocked for months by constant changes in design. Other obstacles were almost as serious. In the Northwestern spruce forests the "I. W. W." were especially active and malevolent. In the factories the labor turn-over was prodigious, amounting often to 1500 per cent in certain departments. For another thing, the supply of Irish linen for the wings of planes was running low, and a special cotton fibre had to be developed. An investigation of the airplane situation, which was undertaken by Mr. Hughes early in 1918 at the President's request, uncovered little evidence of corruption but a good deal of incompetence. Altogether, our much-touted air program was the greatest disappointment of the war.

The greatest industrial effort of the government, however, was in the field of ship-building. Indeed, the destruction wrought by the submarine had shown

the necessity of enlarging our merchant marine even before our entry into the war; and under the act of September 7, 1916, the United States Shipping Board had already been created with authority to form one or more corporations "for the purchase, equipment, lease . . . and operation of merchant vessels in the commerce of the United States." In April, 1917, such a body, called the Emergency Fleet Corporation, was formed, with a capital stock of fifty million dollars. The first work of the corporation was to fit out and set to work the ninety-one German vessels of nearly 600,000 aggregate tonnage, which were lying in our harbors at the outbreak of the war. Then early in August, 1917, it requisitioned all steel ships of over 2,500 dead-weight tonnage under construction in American yards, thus securing over four hundred vessels in various stages of completion, with a net tonnage of nearly three millions. Meantime, by the act of June 15, 1917, Congress had appropriated five hundred million dollars for the construction of new ships. Under this stimulus the ship-building business expanded rapidly. From May, 1917, to May, 1918, the number of shipyards, public and private, in the country increased from fifty-nine to a hundred and fifteen, and the number of ways from 262 to 750, the largest of the yards being one which was created out of hand at Hog Island, Philadelphia. In June, 1918, the Fleet Corporation announced a program calling for the building of 1,856 ships ranging from 5,000 to 12,000 tons each, and with an aggregate deadweight tonnage of thirteen millions. Unfortunately here, as in the case of aviation, the program on paper considerably outran performance. The actual deliveries which took place during the period of the war were chiefly of vessels which had already been

under construction when the Fleet Corporation took them over. The net contribution, therefore, of this phase of Government activity to the winning of the war, while absolutely indispensable, was terribly expensive. Once again it is the theory of a long war which was primarily at fault, though the blame must also be shared by other factors and especially the so-called "cost plus" contract. For in allowing the builders to base their profits on costs of production the Fleet Corporation put an obvious premium of the running up of such costs. Altogether it seems probable that many hundreds of millions of dollars were wasted in this field of our war endeavor which better planning at the outset would have saved.

#### 187. The Country on a War Footing.

And while it was equipping itself for the immediate necessities of the war, the Government was also gradually bringing the country to a war footing. One of the first problems to be dealt with was that of labor and its relations with capital. By the act of August 29, 1916, Congress had provided for a Council of National Defence to be composed of the heads of the Departments of War, the Navy, the Interior, Agriculture, Commerce, and Labor, for the purpose of co-ordinating the industries and resources of the country for the national security and welfare. The act also authorized an Advisory Commission and other subordinate bodies to assist the Council. The same day that the President went before Congress to ask for a declaration of war against Germany, Mr. Gompers, President of the American Federation of Labor and a member of the Advisory Commission, called a meeting of labor representatives and employers at Washington, which proclaimed, for

The  
Council of  
National  
Defense.

The truce  
between  
labor and  
capital.

the period of the war, a truce between labor and capital. But despite the best intentions irritating questions were bound to arise, and best intentions were sometimes lacking. The government was not always able to co-ordinate its demand for labor in all lines of war work, and so was frequently found bidding against itself, to say nothing of other employers in essential industries. In the far West the temper of labor was often very ugly, sometimes on account of bad conditions of employment, sometimes on account of the activities of the "I. W. W." To meet these various phases of the labor problem a variety of bodies were, at different times, called into existence, the President's Mediation Commission, the National War Labor Board, the War Labor Policies Board, etc. First and last, with one or two exceptions, labor problems were handled with conciliatory firmness and success. The serious difficulties encountered by England at the outbreak of the European war were not duplicated in our war experience.

Another member of the Advisory Commission of the Council of National Defense, President Willard, of the Baltimore and Ohio Railroad, took the initial step toward putting the transportation system of the country on a war basis. At his suggestion, the Railroads' War Board of five members was at once created.

Mobilizing  
the  
railroads.

It represented the effort of the 693 railroads of the country to eliminate competition for the war by merging into one vast continental system. Through the action alone of the board in abolishing all unessential passenger trains, twenty million miles of train service were saved for the pressing needs of the country. Then, by the Act of August 10th, the President was authorized to determine priority of shipments. All these measures, however, presently

proved inadequate to the necessities of the case, and on December 27th the President, in exercise of authority conferred upon him by the Act of August 29, 1916, took over the railroads and appointed Mr. McAdoo, Secretary of the Treasury, Director-General. An act passed March 21, 1918, authorized this control to continue till the end of the war and five months there-

after. The drastic measures taken early the same year by the Fuel Controller for the conservation of coal resulted also in removing the serious congestion of traffic then existing; and all in all, governmental management of the lines probably served its immediate purpose better than any other measure would have, though this end was achieved at serious cost to the railroads themselves. Incontinent advances in wages fastened an added financial burden upon the lines approximating seven hundred million dollars *per annum*, and little effort was or could be made by the Government to replace worn-out rolling stock and tracks.

But not only was it essential for the Government to obtain the co-operation of labor and the railroads in the work of winning the war, but that of the people at large as well, and especially in the way of conserving food and fuel. The Lever Food and Fuel Control Act

became law August 10, 1917. It designated foods and fuels "necessaries" the production and distribution of which, with a view to preventing hoarding and profiteering, and to increasing output, the President was authorized to control by such regulations as he deemed "essential." More especially, the President was empowered, whenever he should find it "essential," to set prices, to take over existing stocks, and to put the entire business of production and supply of "necessaries" on

Governmental  
control.

The Food  
and Fuel  
Control Act  
and its ad-  
ministration.

license. The sweeping powers thus conferred upon him—unparalleled in the history of American legislation—the President delegated to Mr. Herbert Hoover, of Belgian Relief fame, who became Food Controller, and Mr. H. A. Garfield, President of Williams College, who became Fuel Controller. The policy pursued by both these able administrators, aided by a host of local agents, was one which mingled persuasion with coercion. The licenses required of large dealers in foods were subject to revocation at any time, and this fact ordinarily secured good behavior without recourse to the penal sections of the act. By further act of Congress, the farmers were guaranteed a minimum price for their wheat which made large acreage possible even when not profitable. Patriotic appeals, supplemented by a good deal of private espionage by neighbors of one another's garbage cans, made for strict economy in the use of food. "Meatless days" were succeeded by "heatless days"; and on January 16, 1918, Mr. Garfield, confronted by a serious congestion of freight due in part to the inability of ocean carriers to obtain coal, ordered that throughout the region east of the Mississippi every industrial plant should shut down from January 18th to 22d, and also on ten consecutive Mondays from January 28th to March 25th. The order, which was helped out by milder weather, brought quick relief and was suspended early in February. Meantime, Mr. Hoover had decreed that, beginning January 28th, all licensed bakers must mix a minimum of 5 per cent of other cereals with flour in making "victory bread," and must increase this minimum gradually to 20 per cent, while individual consumers must be required to take with each purchase of flour a certain proportion of substitute therefor. Orders

"Meatless,"  
 "Wheatless,"  
 "Heatless"  
 days.

similar to these, and appeals to patriotism, as for the cultivation of war gardens and abstention from using pleasure cars on Sunday, continued to be issued to the end of the war. Their general observance was due far less to any measure of compulsion than to the general approval with which the people at large had come to regard the war.

#### 188. Propaganda and Repression.

Not only was the country not prepared for the war in a military way, it was not prepared for it morally. Indeed, the one fact was but index to the other. The popular cry, "he kept us out of war," implied that *he could* and would keep us out of war indefinitely, so that when the war came, many felt that the President had gone back on his own principles. The President's war message, which represented the purposes of the war to be not simply the vindication of our rights, but the ending of war for good, was perhaps designed in part to meet this attitude. Then on April 14, 1917, the

The Com-  
mittee on  
Public in-  
formation.

President issued an "executive order" creating the Committee on Public Information, which was headed by Mr. George Creel, and the object of which was to furnish "an official

channel for information concerning the purposes and conduct of the war." Through its division of news the Committee furnished some sixteen thousand country papers a weekly service of condensed war news; through its division of Civic and Educational Co-operation it prepared and distributed more than eighteen millions of copies of pamphlets setting forth American views of the issues raised by the war; through its division of Four Minute Men it directed some fifteen thousand volunteer speakers, who addressed moving picture audiences throughout the country on the purposes of the war, the



sale of Liberty Bonds, and related matters; and this is only a partial catalogue of its activities. Abroad, too, the Committee conducted an active propaganda designed to combat German slanders of the United States in neutral countries, and to undermine the enemy's morale, by putting America in the light of the friend of the German people in their aspirations for freer institutions. The value of these efforts remains undetermined, but of the Committee's success in commending the war to a large section of the American people that might otherwise have been inclined to pacifism there can be little doubt.

Unfortunately, there still remained convinced recalcitrants who had to be dealt with in a more downright way and for these the Espionage Act of June 15, 1917, (amended by the Act of May 16, 1918) was devised. This statute forbade, on penalty of death, the transmission of information to an enemy in war time, and, with lesser penalties, the use of disloyal language with intent to bring the form of government of the United States, the Constitution, the Army, the Navy, or the flag, into contempt, or to discourage enlistments, or to incite insubordination among the forces of the United States, or generally to cripple the United States in the prosecution of the war. Other sections of the act set up what, in effect, was a censorship of the press by the Postmaster General, who was authorized to exclude disloyal matter from the mails. Such parts of the act, however, as have come before the Supreme Court have been uniformly sustained against the contention that it violates constitutional freedom of speech and press. Among the many convictions under it, the most notable was that of Eugene V. Debs, the Socialist leader. Supplementing the Espionage Act was the Act of

The  
Espionage  
Act.

October 16, 1918, excluding "aliens who are anarchists," and authorizing their deportation when they are found within the country.

Finally, the case of resident enemies had to be provided for. By virtue of authority conferred upon him by certain sections of the Revised Statutes, which survive from the old Alien and Sedition Acts of 1798,

the President, on April 6th, and again on November 16, 1917, issued proclamations placing restrictions upon the liberty of action

of such persons. Alien enemies were forbidden to have in their possession any fire-arms, explosives, or munitions of war; to approach within one-half mile of any fort, camp, arsenal, navy-yard, air craft station, or munitions factory; to write or print any attack upon the Government of the United States, Congress, or any person in service of the United States, or upon any measure of the Government, and so on. Enemies transgressing these restrictions were liable to summary arrest and to removal to any place designated by the President, and many were so removed. Then, on October 6, 1917, the Trading with the Enemy Act became law. It provided for the regulation of the foreign language press in the United States, prohibited trade with "enemies" or "allies of enemies" of the United States, and authorized the temporary taking over by the Government of any property held in the United States on behalf of persons resident in the German Empire or the territory of its allies, or of corporations chartered by their governments. Before

the end of 1918 the Alien Property Custodian, Mr. Mitchell Palmer, had seized and sold more than half a billion dollars worth of such property, devoting the returns largely to the purchase of Liberty Bonds. At the

Disabilities  
of alien  
enemies.

Sequestra-  
tion of  
"enemy"  
property.

same time German patents were thrown over to use by responsible American firms under license from the President. The ultimate disposition of the proceeds from the Alien Property Custodian's activities lies with Congress and has yet to be settled.

It is often said that the Civil War was fought under a Presidential dictatorship. But the powers which Lincoln claimed for himself, as Commander-in-Chief of the Army and Navy, were almost trivial as compared with the vast powers which were conferred by the legislation just reviewed upon President Wilson, and by him delegated to others. Even in the case of democracies war nowadays means temporary despotism.

Presidential  
dictator-  
ship.

#### 189. Our Naval and Military Effort.

When we entered the war the most immediate peril to Allied success was the submarine blockade of Great Britain. Early in May, 1917, a small squadron of American destroyers arrived at Queenstown and at once set to work hunting under-sea craft. Later other destroyers, submarine chasers, cruisers, and a few battleships crossed the Atlantic, until Admiral Sims had under him a fleet of 318 vessels and 75,000 officers and men, more than the entire navy when we declared war, and yet constituting but a small fraction of the total Allied force employed against submarines. The Navy's greatest service was in furnishing convoy for the transports which carried the American Expeditionary Force to France. Though less than half the force went in American troopships, about 83 per cent of the naval escort was American; and so well was the work done that only 396 soldiers of the more than two million carried over were lost at sea. In latter May and early June, and again in July,

The Navy's  
work.

1918, submarine raiders appeared off our coasts. Their most numerous victims were fishing craft, and the only result of this application of *Schrecklichkeit* was a rise in the enlistments. Besides its direct contribution, the American Navy should also be credited with having developed the most successful craft for submarine hunting and with having improved the depth bomb very greatly. Even at the close of the war, however, it cannot be said that the antidote to the submarine had been found.

The vanguard of the American Army was hardly less prompt in reaching the scene of action than that of the Navy. The British and French missions (April, 1917), especially General Joffre of the latter, were insistent that a small force should be sent abroad at once as

visible evidence of America's entrance into the War. The President agreed and designated General Pershing as commander of the American Expeditionary Force. The first

American troops reached France June 26th, eighty-one days after our declaration of war. A few days earlier General Pershing himself had arrived and, in consultation with the Allied commanders had begun laying plans for the reception, training and support of a large American force in France. The final scope of our military effort had, however, as was noted above, hardly been conceived at the beginning. Thus when, on March 28, 1918, General Pershing besought General Foch, in view of the progress of the German drive, to give American troops a place in the battle line, the American forces on hand still numbered less than 370,000 men, of whom only about half were combatants and of whom not a third had yet seen service in the trenches.

The First division (28,000 men) nonetheless, was now stationed in reserve, to be put a month later in the

General  
Pershing  
and the  
A. E. F.

**Cantigny.** first line trenches on the Picardy battle-front. On the morning of May 28th this division attacked the opposing German position, "taking with splendid dash," in General Pershing's words, the town of Cantigny. Early in June the Second division, composed partly of marines, drove the Germans from Belleau Woods, and on July 18th "captured the village of Vaux with splendid precision." Already the Third division was holding the bank of the Marne in the neighborhood of Chateau Thierry. Confronted by a large force of German infantry, advancing under cover of powerful artillery concentrations, a single regiment of this division on July 15th, "wrote one of the most brilliant pages in our military annals," throwing back two German divisions in confusion and capturing six hundred prisoners. This success has been reckoned the turning point of the war.

**Belleau Woods and Chateau Thierry.**

Meantime, the flow of American troops to France had begun on a large scale. In April 118,000 men embarked, in May 245,000, in June 218,000, in July 306,000, in August and September somewhat fewer, in October 184,000. Altogether more than two million men went to France, of whom, however, only about 1,300,000 were combat forces. At the same time five millions tons of cargo were sent to France, 95 per cent of it in American bottoms. About half the troops were landed at Brest, which was transformed into a vast military camp and arsenal.

Till August the American troops on the fighting line were "brigaded" with French or English troops. Now, on August 10th, General Pershing formed the First Army under his own personal command, and on September 12th, this force, composed of about 600,000 men, captured the St. Mihiel salient, which had been held by the

**Formation of the First Army; St. Mihiel and the Argonne.**

Germans since the beginning of the war, taking 16,000 prisoners and 443 guns, at the cost of only 7,000 casualties, most of them slight. Two weeks later, the First Army succeeded the French in the Meuse-Argonne sector, and began to move up the eastern edge of the Argonne Forest in co-operation with a French force on the western edge. Within the next two days 10,000 prisoners were taken; and by October 10th, the Forest had been cleared, against bitterest resistance. The final advance began November 1st, and five days later the "Rainbow" division reached a point opposite Sedan. In the words of General Pershing: "The

strategical goal which was our brightest hope was gained. We had cut the enemy's main line of communications, and nothing but surrender or an armistice could save his army from complete disaster." Meanwhile the 27th ("Wildcat") and 30th divisions had been helping the British break the Hindenburg line, the Second and 36th had been assisting the French before Rheims, and a Second Army, under General Bullard, had taken over a section in the Woevre region.

The salient statistics regarding American military participation in the World War are thus summed up by a recent writer: "During the whole war the American losses in killed, wounded, missing and dead of disease numbered 302,612. The total number of dead was 77,118, including 34,248 killed and 13,700 mortally wounded. The Americans captured about 44,000 prisoners and 1,400 guns, howitzers and trench mortars. The French and British losses, even for 1918, were much heavier, and they captured several times as many prisoners and guns." While without American assistance the Entente Allies would unquestionably have lost the war, the American military

Helping  
break the  
Hindenburg  
Line.

Some  
statistics.

effort even during the final months was much smaller than that of the British, French or Italians.

#### 190. President Wilson's Peace Program.

The entry of the United States into the war, together with Russia's withdrawal therefrom, caused a renewal of talk of peace; and though nothing else came of the various tentatives of 1917 and 1918, they did afford the President fresh opportunity to carry forward his theory of a new international order to spring from the war. This was especially the case when, in November, 1917, the Bolsheviki, now in power in Russia, published to the world a series of secret agreements which had been entered into at various times in the course of the war by the Entente Governments with one The secret treaties. another. In brief, these agreements gave to Russia Constantinople and the right to determine the eastern boundaries of Germany and Austria-Hungary, to France and England the right to fix the western boundaries of Germany, to Italy her way with Austria-Hungary and the control of the Adriatic, and to England and France again the right to carve out new colonial dominions in German Africa and in Asia Minor. These revelations, read in the light of the idealistic pretensions of the Entente Powers, made a great stir, particularly in the ranks of labor, both in Europe and in the United States, and so finally compelled the Entente to make a more explicit statement of its purposes in the war.

The first step was taken by Mr. Lloyd George, now Prime Minister of Great Britain, in a speech in Parliament, January 5, 1918. Three days later The "Fourteen Points." President Wilson addressed the Senate on the same subject. The essentials of peace he reduced to "Fourteen Points." Most of these had been antici-

pated by the British Premier, but five of them defined further the President's own point of view, as revealed in his address of the year previous. These called for, first, "open covenants, openly arrived at"—in other words, for the end of secret diplomacy; secondly, for "absolute freedom of navigation" on the high seas, in both peace and war, except as otherwise provided by international action; thirdly, for "equality of trade conditions among all nations"; fourthly, for the reduction of national armaments "to the lowest point consistent with national safety," and lastly, for "a general association of nations formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike."

The month previous Congress had, at the President's recommendation, declared war upon Austria-Hungary; and in the international peace debate which now ensued, Count Czernin, the Austro-Hungarian Minister of Foreign Affairs, joined, as well as Count Hertling, the German Imperial Chancellor. Responding to comments from both these sources upon his Fourteen  
 Peace discussion. Points, the President, in his speech of February 11th, put forward still other conditions. "The United States," he declared, "has no desire to interfere in European affairs or to act as arbiter in European territorial disputes," but inasmuch as the war had "had its roots in the disregard of the rights of small nations" and nationalities, the peace must be grounded on the recognition of such rights. On February 25th Chancellor Hertling replied a second time to the President, but only to have his words promptly nullified by the terms forced by Germany on Russia at Brest-Litovsk and on Roumania at Bucharest, early in March; and peace discussion, accordingly, now ceased till the collapse of the Central Powers.



It was on the eve of Bulgaria's surrender, in a speech opening the Fourth Liberty Loan drive in New York City, that the President, addressing both our associates and our enemies, made the final statement of his position. The issue of the war was whether the peoples of the earth should be dominated by force, or whether there should "be a common standard of right and privilege for all peoples and nations" and a "common concert to oblige the observance of common rights." The price of lasting peace was "impartial justice," and its indispensable instrumentality "a League of Nations formed under covenants that will be efficacious." The constitution of such a League "and the clear definition of its objects must be," therefore, "the most essential part of the peace settlement itself." Furthermore, the United States was prepared "to assume its full share of responsibility for the maintenance of the common covenants . . . upon which peace must henceforth rest."

Wilson demands that a league of nations form part of the peace treaty.

### 191. The End of the War.

Two days later Bulgaria made unconditional surrender; on October 3rd Turkey followed suit; on the 5th, Austria appealed to the President for an armistice, and a peace negotiation on the basis of the Fourteen Points; and the day following, a new government in Germany, which claimed to be responsible to the Reichstag, did likewise. In the exchanges which followed Germany, having first agreed to evacuate all occupied territory, next consented to a military determination of the terms of the armistice and to abandon submarine warfare. The correspondence was now submitted to the Entente Governments, who agreed to the Fourteen Points, but with two important qualifications. First, they reserved

The Teutonic Powers capitulate.

“complete freedom” in interpreting “freedom of the seas,” and secondly, they translated the demand that invaded territory be “restored” to mean that compensation would be made by Germany “for all damage done to the civilian population of the Allies and their property by the aggression of Germany by land, by sea, and from the air.” Already the President had informed Austria that she could have an armistice only on condition of granting complete independence to her Czecho-Slav and Jugo-Slav populations, although the Fourteen Points had called only for their autonomy. Again, however, the Teutonic Powers granted all that was demanded; and on November 8th Marshal Foch delivered the armistice terms to the German representatives. In brief, Germany was required to evacuate Belgium, Alsace-Lorraine, and all occupied territories; and to surrender her submarines, the most of her surface fleet, 25,000 machine guns, 1,700 airplanes, 150,000 railways cars, 5,000 motor lorries, and other stores. The Allies and the United States were to continue the blockade and their forces were to advance to the Rhine. Yet again Germany yielded; and at 11 A.M. on November 11th the World War came to an end.

Meanwhile, on October 25th, the President had issued an appeal to the American people to elect a Democratic Congress if they would have him for their “unembarrassed spokesman in affairs at home and abroad.” If he thus sought popular confirmation for his reiterated assertion that the United States was ready to assume its “full share” of the responsibilities of membership in a League of Nations, the outcome was disappointing; for the elections of November 3rd resulted in a sweeping victory for the Republicans, who captured both Senate and House and elected twenty-one of the thirty-one new governors. Not-

withstanding, on November 18th, the Committee on Public Information gave out a statement that the President expected to attend the Peace Conference, information which was confirmed by the President himself in his address to Congress on December 2nd.

**His  
departure  
for Paris.** "The peace settlements," said the President, "which are now to be agreed upon are of transcendent importance both to us and to the rest of the world, and I know of no business which should take precedence of them." This was his answer to the criticism that the step he proposed taking was "unprecedented." The following day he sailed for Paris; and so began a course of events the final issue of which still remains undetermined.

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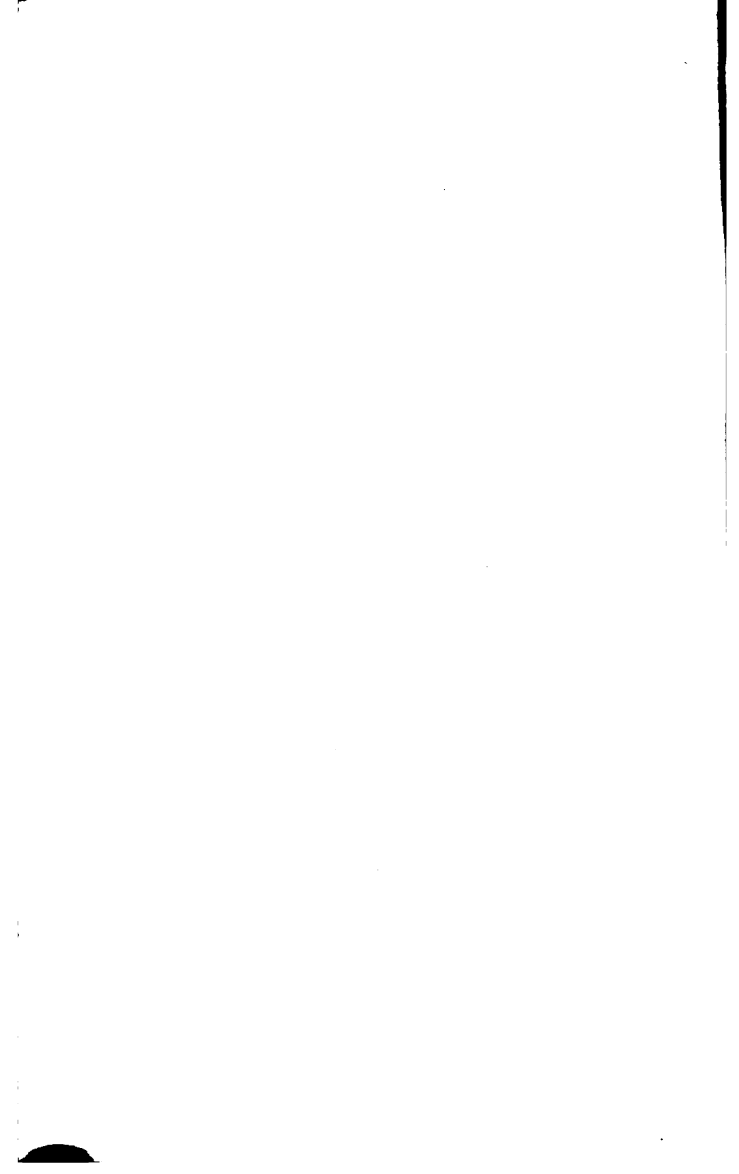
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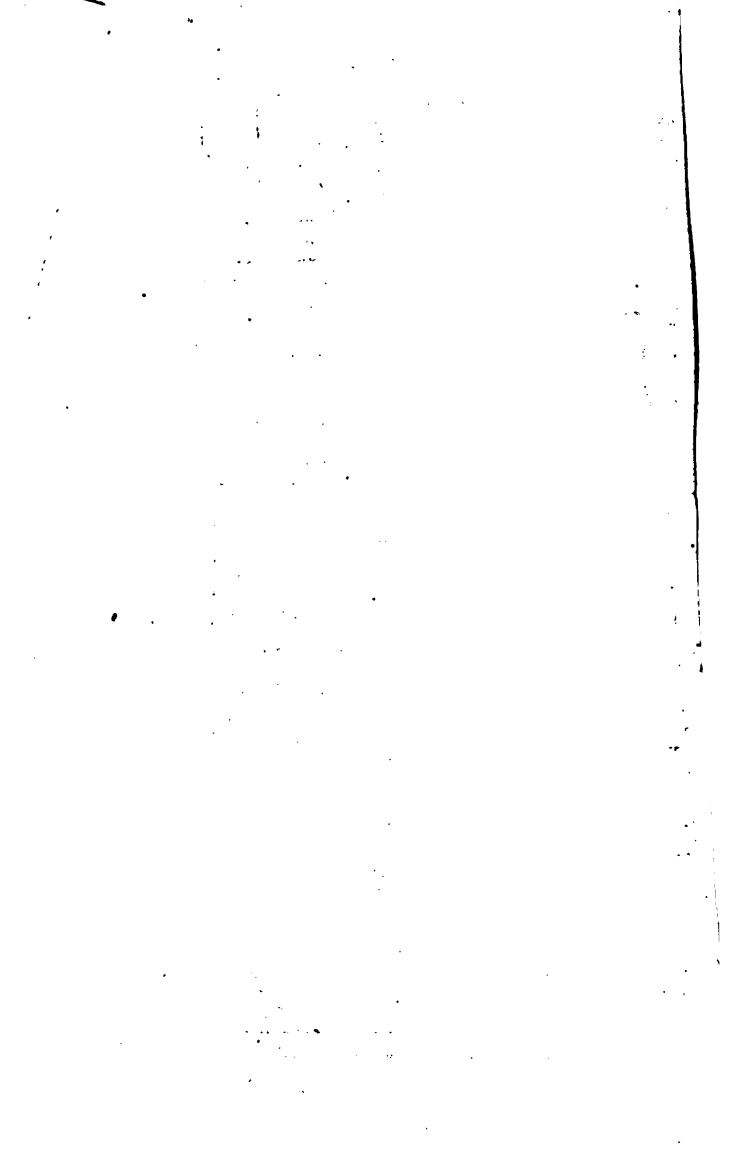
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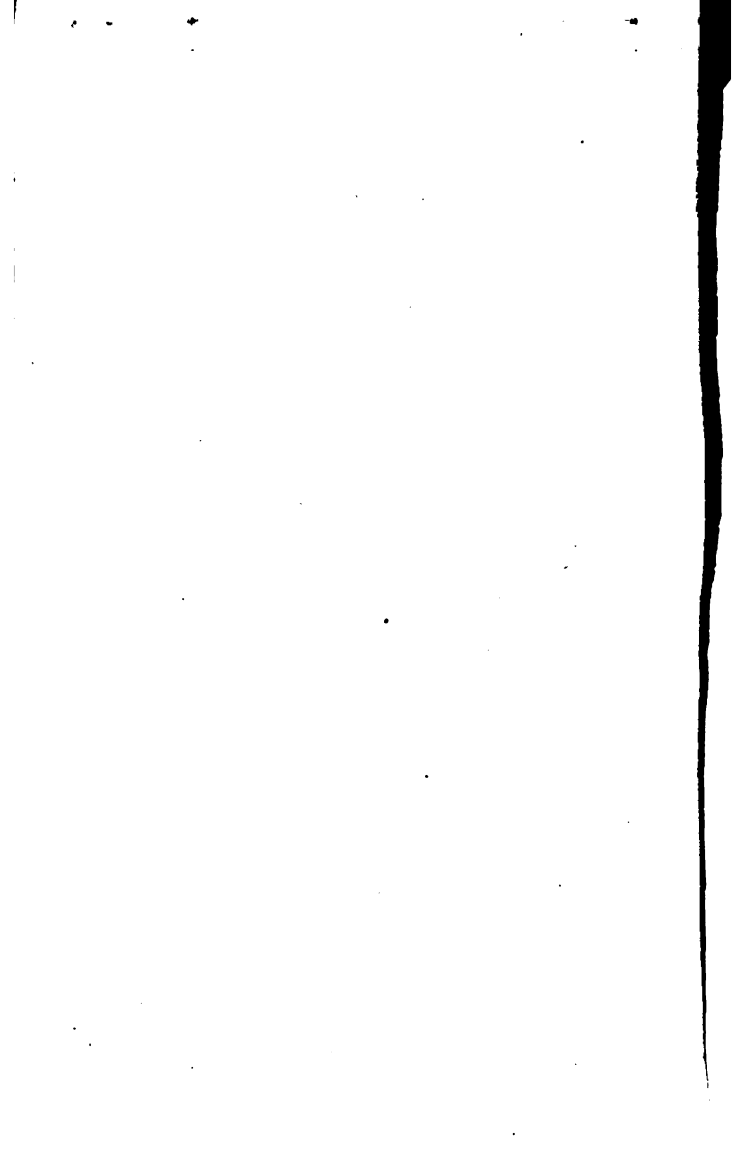
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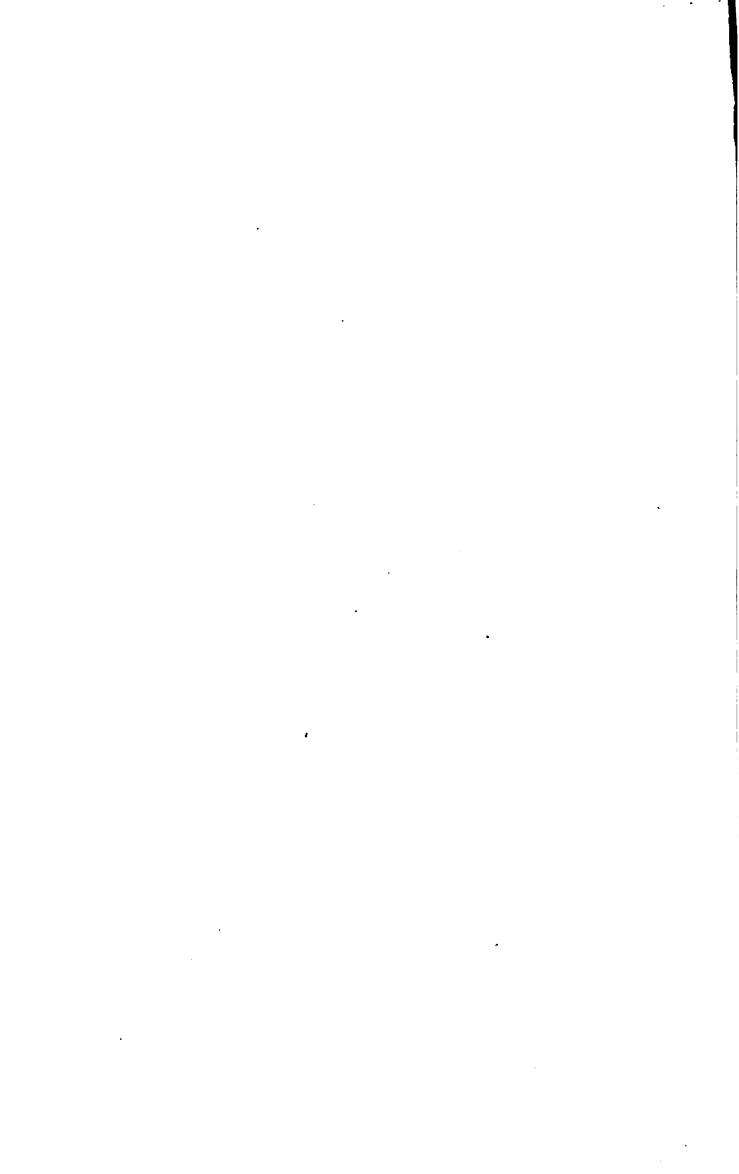




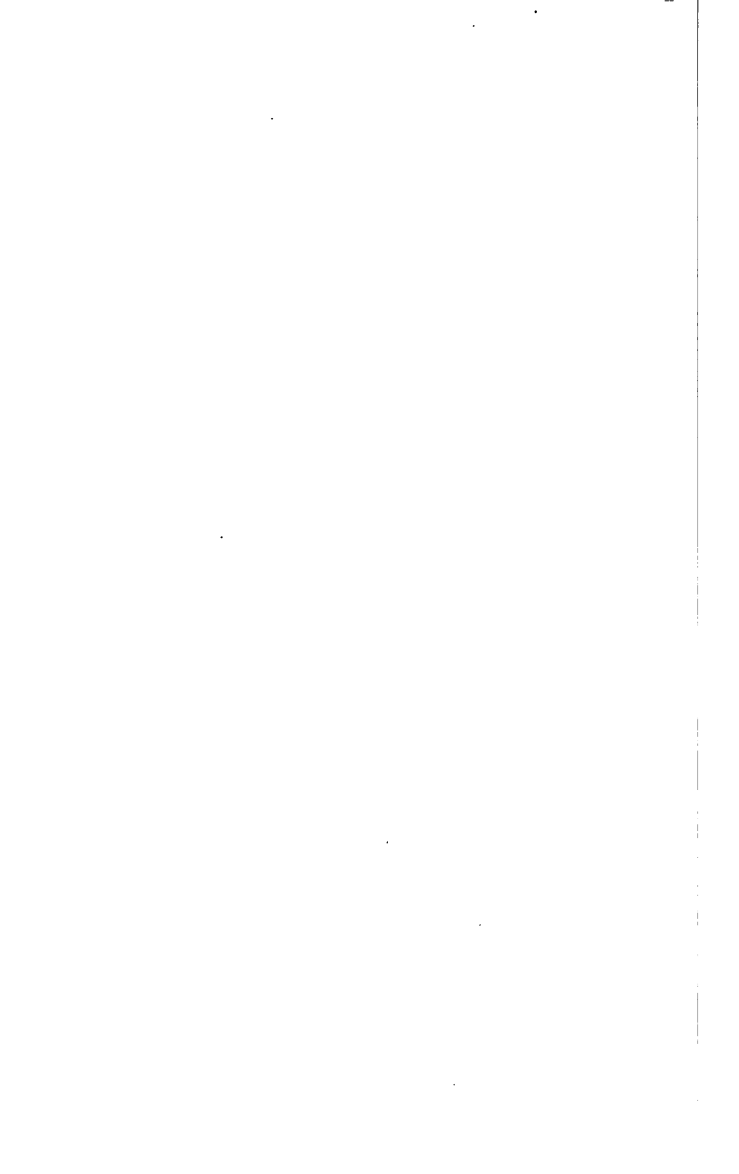
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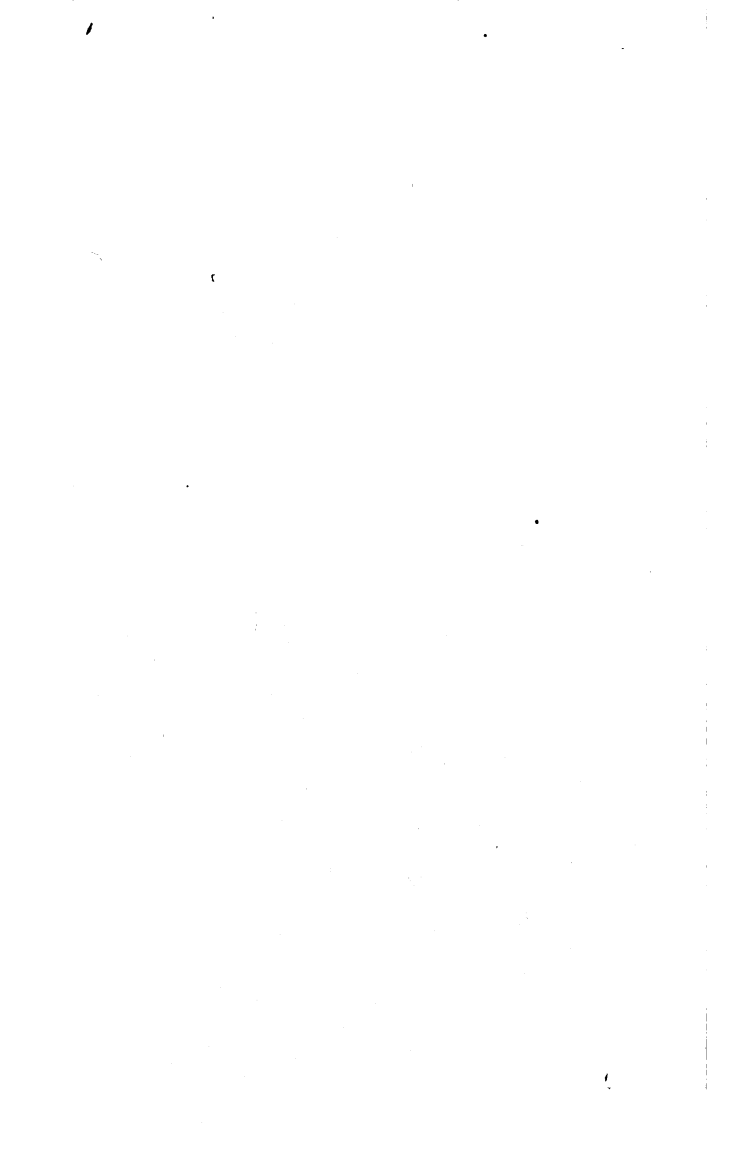














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